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THE
NEW RULES OF THE ROAD
AT SEA
1897

H. STUART MOORE

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THE
NEW RULES OF THE ROAD AT SEA,

BEING THE
REGULATIONS FOR PREVENTING
COLLISIONS AT SEA, 1897.

WITH
EXPLANATORY NOTES AND OBSERVATIONS
ON
THE LAW RELATING THERETO.

BY
H. STUART MOORE,
Of the Inner Temple and the Admiralty Court,
BARRISTER-AT-LAW.

SECOND EDITION.

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PREFACE.

THE rapidity with which the first Edition of this work has been sold, and the numerous favourable criticisms of it that have appeared in the Press, both at home and abroad, encourage me in the hope that my book is really useful and is well appreciated by the shipping world.

In this Edition I have made scarcely any alteration except to improve the utility of the book by the addition of an index and a table of cases.

In offering this Edition of the New Rules of the Road at Sea, for the use of seamen, my principal object has been to supply a complete copy of the Rules themselves, and to illustrate them by the notes appended to each Article. The notes have been added to assist the reader in understanding such points of difficulty in the construction of the Rules as have been dealt with by decisions of the Courts in cases arising under such of the old Rules as are similar in language to the new Rules. I have thought that these notes would assist mariners more readily to grasp the effect of the alterations which have been made, and guide them when deciding upon the manœuvres necessary for them to perform for the purpose of avoiding collisions.

I have also endeavoured to point out the effect, and probable result, of some of the alterations, and the precautions to be taken in consequence thereof, and have ventured to call attention to the difficulties that may possibly arise from the alterations and additions that have been made, *e.g.*, the Additional Lights of Articles 2 and 3, the new Sound Signals of Article 15, and the alteration of the Crossing Rule, Article 21, &c.

With regard to my remarks upon the Regulations, when they are not either quotations or deductions from decided cases, I wish to disclaim any intention of being supposed to lay down the law as to the construction of these Rules. I have merely endeavoured, by aid of the decided cases, to explain the Rules, and to give a few obvious illustrations of the manner in which they may work or be construed in the future.

This Edition has been published before the New Rules come into force, in order that vessels leaving England, and not likely to return before the 1st July, 1897, may be supplied.

H. STUART MOORE.

6, KING'S BENCH WALK,

TEMPLE.

April, 1897.

Recd July 10, 1901.

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INTRODUCTION.

The new or revised Regulations for Preventing Collisions at Sea, which come into force on the 1st of July, 1897, are made by Her Majesty in Council¹ on the joint recommendation of the Admiralty and Board of Trade, by virtue of Section 418 of the Merchant Shipping Act, 1894. These Regulations must be obeyed by all British ships everywhere, and by all foreign ships when within British jurisdiction, except in places where local rules take the place of these Regulations. They must also be obeyed by foreign ships outside the British jurisdiction when Her Majesty has, with the consent of the foreign government, applied these Regulations by Order in Council to the ships owned by subjects of that government².

The Regulations must be strictly obeyed, and a person who wilfully breaks them is guilty of a misdemeanour and liable to a penalty of £20³, although no damage is done to anybody or anything. If by the non-observance of any of these Regulations damage is done to any person or property, it will be deemed to have been occasioned by the wilful default of the person in charge of the deck of the ship at the time, unless it can be shown that the circumstances of the case made a departure from the Regulations necessary⁴. When in the case of a collision it is proved that any of the Regulations have been infringed, the ship by which the Regulation has been infringed will be held to blame; unless it is shown to the satisfaction of the Court before which the case is tried that a departure from the Regulations was under the circumstances of the case necessary⁵.

The infringement must be one having some possible connection

¹ 27th November, 1896. *London Gazette*, 1st December, p. 7091.

² Merchant Shipping Act, 1894, Section 424. No Orders in Council have as yet been made applying these Rules to foreign ships, but it is believed that by July next they will be applied to the ships of all the principal maritime nations.

³ Section 419.

⁴ Section 419, Sub-Section 3.

⁵ Section 419, Sub-Section 4.

INTRODUCTION.

with the collision. For example; a vessel will not be held to blame for a collision which took place in broad daylight because she did not carry a fog horn. The presumption of blame may be rebutted by proof that the infringement could not by any possibility have contributed to the collision, and the burden of showing this lies on the party guilty of the infringement. It is no excuse for a non-compliance with the Regulations that the breach complained of did not in fact contribute to the collision.¹

Whenever two vessels come into collision it is the duty of the master or the person in charge of each vessel, if he can do so ~~to take such steps as may be necessary to save his crew and passengers, to~~

Page 6, Note 2.

By an Order in Council dated May 18th, 1897, published in the *London Gazette* May 21st, the Rules of the Road have been applied to the ships of the following countries when not locally within the jurisdiction of the Government of that country, in the same manner in all respects as if these ships were British ships:—

Argentine Republic.	Guatemala.
Austria-Hungary.	Italy.
Belgium.	Japan.
Brazil.	Mexico.
Chili.	Netherlands.
*China.	Norway.
Costa Rica.	Peru.
Denmark.	Portugal.
Ecuador.	Russia.
Egypt.	Siam.
France.	Spain.
Germany.	Sweden.
Greece.	United States.

* Only to ships of foreign type, whether war ships or not.

THE OWNER OF A VESSEL MUST, WHEN—

soon thereafter as possible, send, by post to the Board of Trade a letter containing an account of the accident or damage and the probable cause of it, together with the name of the ship, her official number, the port to which she belongs, and the place where she is. If he fails to do so without reasonable cause he will be liable to a fine not exceeding £50.⁴

¹ The *Fanny M. Carvill*, 13 App. Cases 455. The *Duke of Buccleuch*. [1891] A.C. 810.

² Section 422 Merchant Shipping Act, 1894.

³ Section 423 " "

⁴ Section 425 " "

INTRODUCTION.

Neglect to comply with these regulations, besides rendering the shipowner liable to pay damages, will, if a death ensues, render the person in charge¹ liable to be prosecuted for manslaughter,² and it will be no answer to such a prosecution that the orders given were right ones, but that the person whose duty it was to carry them out did not understand them. The person giving the orders will be guilty of negligence if he fails to make himself understood.³

¹ This will include a pilot.

² *Rex. v. Allen*, 7 C. & P. 153. *Reg. v. Barnett*, 2 C. & K. 594. *Reg. v. Haines*, *ibid* 368.

³ *Reg. v. Spence*, 1 Cox, C.C. 352. *The London School Board v. Lardner*, *The Times*, 20th February, 1884.

The Regulations for Preventing Collisions at Sea, 1897.

PRELIMINARY.

These Rules shall be followed by all vessels upon the high seas and in all waters connected therewith, navigable by sea-going vessels.

In the following Rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The word "steam vessel" shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these Rules when she is not at anchor, or made fast to the shore or aground.

The Regulations of 1897, or the New Rules, will be in force on and after the 1st July, 1897,¹ in all waters navigable by sea-going vessels.² They apply to all waters connected with the sea that can be navigated by vessels that in fact go to sea.

On such waters they must be obeyed by all vessels whether sea-going or not.

There are, however, exceptions to this rule, and they will be found under Article 30.

Throughout the New Rules, the word "vessel" has been substituted for the word "ship" when that word was used in the Old Rules.

By the Merchant Shipping Act, 1894, section 742, of which Act these Rules form a part, the word "vessel" is defined to include any ship or boat or other description of vessel used in navigation. It is however questionable whether the term "vessel" as used in these Rules would include rowing boats, for in Article 7, sub-

¹ Note that these Rules come into force immediately after midnight on the 30th June, 1897.

² *The Salt Union v. Wood*. [1898] 2 Q.B. 370.

PRELIMINARY.

sections 3, 4, there are two classes of craft mentioned, "vessels under oars" and "rowing boats," indicating that rowing boats are not included in the term "vessels under oars."

The definition of "steam vessels" includes ships propelled by electricity or other mechanical power, with such modifications as the Board of Trade may prescribe for the purpose of adaptation.¹

For a vessel fitted with mechanical propelling power, to be considered and treated as a sailing vessel, she must be able to show that she was under sail and could not use her machinery, either from disablement or from want of steam or other mechanical propelling power.

A steam tug lying-to under jib and foresail with her engines stopped and her helm lashed a-port, and with only just sufficient steam to enable her to reverse her engines, is a steamship under way, and bound to keep out of the way of sailing ships,² so also is a steam tug drifting with not sufficient steam up to enable her to get out of the way of a sailing vessel.³ Under the present Rules a steam vessel entitled to be treated as a sailing vessel, must in the daytime, if her funnel is up, hoist a black ball or shape 2 feet in diameter.⁴

To understand the meaning of the term "under way," it is necessary to see what construction has been placed on the term "at anchor." From the following cases it would appear that a vessel is under way as soon as she ceases to be attached to the ground.

A vessel with her anchor down, but not holden by it and under the control of it, is *under way*.⁵

A steam vessel riding with both her anchor chains out, but without the anchors attached thereto, was held to be a vessel not under command and not justified in hoisting the lights for a vessel at anchor.⁶

A vessel driven from her anchors by a gale of wind and setting sail is, even if wholly unmanageable, a vessel under way and bound to show lights for a vessel under way.⁷

¹ The Merchant Shipping Act, 1894, Section 743.

² The *Jennie S. Barker*, 3 Asp., M.L. Cas. 42.

³ The *Brig Byron*, 2 New South Wales Reports Adm. 1.

⁴ Article 14.

⁵ The *Esk*. L.R. 2 A. & E. 350.

⁶ The *Faëdrelandet*. [1895] P. 205.

⁷ The *George Arkle*, Lush. 382, see The *Buckhurst*, 6 P.D. 155.

A sailing vessel hove-to *is under way* and bound to obey these Rules.¹

RULES CONCERNING LIGHTS.

The word "visible" in these Rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

ARTICLE 1.

The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

It is no excuse for non-observance of this Rule that the lights were being trimmed;² that they had been put out, or so dimmed as not to be discernible at any distance owing to bad weather;³ that the night was clear and moonlight;⁴ or that it was only a short time after sunset and fine and clear.⁵ It may be an excuse that the lights have been lost overboard, or damaged by collision, or other causes, if it can be shown that there has been no opportunity of replacing them by others. A vessel in this predicament, however, must use every means in her power of warning an approaching vessel of her condition.⁶

Although by this Rule it is forbidden to exhibit lights that may be mistaken for lights that a ship must show under these Rules, yet it is the duty of a ship under exceptional circumstances to show a light to warn an approaching ship, viz., by burning a blue light or a flare over the quarter to attract attention.⁷ By Article 12 a vessel is now permitted to show for this purpose a flare-up light, or use any detonating signal that cannot be mistaken for a distress signal.

¹ The *Rosalie* 5 P.D. 245, see also The *Jennie S. Barker* and the *Brig Byron*, *Supra*.

² The *O. M. Palmer*, 2 Asp. 95.

³ The *Saxonia*, Lush. 410.

⁴ The *City of London*, Swab 246.

⁵ The *Emperor* and The *Zephyr*, Holt, R. of Road 24.

⁶ The *Aurora*, Lush 327.

⁷ The *Merchant Prince*, 10 P.D. 139.

RULES CONCERNING LIGHTS.

ARTICLE 2.

A steam vessel when under way shall carry—

- (a) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above the hull of not less than 20 feet, and if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so, however, that the light need not be carried at a greater height above the hull than 40 feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, viz., from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.
- (b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.
- (c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.
- (d) The said green and red side lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.
- (e) A steam vessel when under way may carry an additional white light similar in construction to the light mentioned in sub-division (a). These two lights shall be so placed in line with the keel that one shall be at least 15 feet higher than the other, and in such a position with reference to each other that the lower light shall be forward

of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

This Article differs from the corresponding Article in the old Rule in three important respects, as follows :—

- i. A steamer with no foremast may carry the light in the forepart of the vessel.
- ii. The masthead light need never be carried at a greater height above the hull than 40 feet.
- iii. A new light is given for the purpose of indicating with greater certainty the heading of a steam vessel [subsection (e)].

The word uniform has been removed from this Article, and the lights are now to show only an unbroken light over an arc of the horizon, &c., &c. It is no longer necessary that these lights should show with equal uniformity or intensity over the arc of the horizon prescribed in this Article. The anchor light, however, is required to show an uniform light all round the horizon. (*See* Article 11).

Care must be taken to see that the lights are not obscured by the rigging or equipment of the ship or by the smoke or steam from the funnel.¹

The exact method by which the side lights are to be screened has never been defined by the Courts. The Board of Trade Surveyors, however, have been instructed to screen the lights in such a way that a line drawn from the inside edge of the wick (or filament of electric lights), to the outside edge of the forward end of the light screen be parallel to the line of the keel of the ship.

This method allows the lights to be seen about 2 to 4 degrees across the bows of the ship.

The fact that the lights are screened in this way by the Board of Trade Surveyors will not be conclusive that the lights are screened in accordance with the requirements of this Article because there is now no Order in Council defining how the lights shall be screened so as to comply with this Article.²

These Rules do not require the side lights to be placed in any

¹ *The Fanny M. Carville*, 2 Asp. 565.

The Duke of Buccleuch, 15 P.D. 86; [1891] App. Cases 310.

The Vivid, 7 Not. of Cases 127.

² The Order in Council of 30th Jan., 1893, defining how the lights should be screened to comply with these rules has been repealed and no order has been made in its place.

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particular position, so long as they are on their proper sides, and shed their light over the area prescribed by sub-sections (b) and (c).

Every vessel should comply with the requirements of Article 2. An infringement of it, however, will not necessarily cause a vessel to be held in fault, if she can show that the infringement could not possibly have brought about the collision.

The *Tirzah*, a brig of 239 tons, beating to windward on the starboard tack at night, encountered such rough weather as to render it justifiable, in the opinion of the Court, that her side lights should be removed from the place where they were usually carried in the forepart of the vessel, to the afterpart near the taffrail, and the lights were so removed. In this latter position the lights were obscured to the extent of a point and a half on either bow. The brig collided with a vessel on the port tack and was held in fault.¹

A ship whose side lights were occasionally partially obscured by the sails is not in fault if the circumstances of the case are such that the obscuration of the lights could not possibly have caused the accident.² Although the light screens are short of the length required by this Rule a ship is not in fault if their shortness could not have contributed to the collision.³

The new light mentioned in sub-section (e) provides a ready and useful means by which the heading of an approaching steamer may with greater certainty be ascertained. In smooth waters this light will, on a vessel approaching end on, be seen directly underneath the masthead light. If the vessel has a list it will appear out of perpendicular with the masthead light, but will not be misleading as the side lights will show the angle of the list. This light must not be confused with the light used by a tug to indicate that she is towing a vessel.

It is possible for a tug to have her lights so placed that they may be mistaken for a steamer using the light mentioned in this Article as she may have her towing light any distance, not less than 6 feet from the masthead light.

Confusion can only arise when the vessel is approaching end on. In all other positions the white lights will not appear to be perpendicular (see further on this, Article 3).

¹ 4 P.D. 33. See page 23.

² The *Duke of Buccleuch*, 15 P.D. 86; [1891] App. Cases 310.

³ The *Fanny M. Carville*, 2 Asp. 565.

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ARTICLE 3.

A steam vessel when towing another vessel shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such lights, if the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds 600 feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in Article 2 (a), except the additional light, which may be carried at a height of not less than 14 feet above the hull.

Such steam vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.

The lights used to indicate that a vessel is towing must be at least, if not more, than 6 feet apart, with the exception of the additional light used when towing a tow of over 600 feet in length. This additional light shall be placed 6 feet above or below the other lights, provided that it is carried at a height above the hull of not less than 14 feet. From this it is evident that the lower of the two ordinary towing lights must be placed at least 20 feet above the hull of the tug when the additional light mentioned in this Article is to be carried [see Article 2 (a)].

In addition to the lights mentioned in this Article a tug may also use the light mentioned in Article 2, sub-section (e), as she is a steam vessel under way. If a tug uses this light great confusion may arise when she approaches end on.

For instance, a tug may have this additional light at 14 feet above the hull, one towing light 6 feet above the additional light, and the other at 15 feet above the additional light. These lights,

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when seen from end-on, will indicate the following different combinations of vessel :—

- i. A tug with a tow of over 600 feet in length composed of several vessels.
- ii. A tug towing a tow of over 600 feet in length consisting of one vessel only.
- iii. A tug towing a tow of under 600 feet in length composed of several vessels.
- iv. A tug towing a tow of under 600 feet in length consisting of one vessel only.

The reason for this is apparent. The third or lowest light that the tug shows may be the additional towing light mentioned in Article 3 or the additional light mentioned in Article 2, sub-section (e).

A tug may also be seen approaching with four white lights one under the other. This will indicate that she is towing a tow over 600 feet in length. She will be showing the three white lights of Article 3 and the extra light of Article 2, sub-section (e).

These extra lights that a steam vessel towing another must carry are doubtless allotted to her by the legislature for the purpose of indicating that she is not entirely her own mistress and cannot be expected to act in every respect as an ordinary steam vessel,¹ and also for the purpose of indicating that she has a vessel or vessels fast to her by a rope.

It is to be remarked that by these Regulations no special lights are allotted to a sailing vessel towing a vessel. She must only show her side lights, although in fog she makes with her fog horn the signal for a vessel towing. (See Article 15.)

¹ The *American* and *Syria*, L.B. 6 P.C. 127, 131.

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ARTICLE 4.

- (a) A vessel which from any accident is not under command shall carry at the same height as the white light mentioned in Article 2 (a), where they can best be seen, and, if a steam vessel, in lieu of that light, two red lights, in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles; and shall by day carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, two black balls or shapes, each 2 feet in diameter.
- (b) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in Article 2 (a), and, if a steam vessel, in lieu of that light, three lights in a vertical line one over the other, not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day she shall carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, three shapes not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.
- (c) The vessels referred to in this Article, when not making way through the water, shall not carry the side lights, but when making way shall carry them.
- (d) The lights and shapes required to be shown by this Article are to be taken by other vessels as signals that the vessel showing them is not under command and cannot therefore get out of the way.

These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Article 31.

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A ship not under command is now only required to carry two red lights by night in the place of the masthead light, and by day two black balls or shapes each two feet in diameter.

The lights to be carried by a telegraph ship at work are the same as heretofore.

Under this Article no distinction is made between a sailing ship and a steam ship not under command. It is therefore very necessary when a vessel is sighted showing these signals that she should be studiously avoided. She is not a vessel in distress or wanting assistance, but is a vessel that may not be entirely under the control of her navigators.¹

Before deciding to hoist the signals mentioned in this Article it is necessary to determine whether the ship is under command or not. It is impossible to foresee the many circumstances that might justify a vessel in exhibiting these lights, and the judgment, therefore, of Lord Herschell in the *P. Caland* is here set out and should be carefully noted.²

The *P. Caland* was steaming up channel when an accident happened to her machinery, the effect of which was to reduce her speed to between 4 and 5 knots. Her captain, thinking she might come to a standstill at any moment, and that if her engines had to be stopped they might not be able to be moved again, considered her to be a disabled ship, and hoisted the lights for a vessel not under command. The *Glamorgan* seeing these lights and no side lights, as she alleged, and thinking the *P. Caland* might require assistance, steamed towards and collided with her. Lord Herschell, when giving judgment in the House of Lords, said:—

“ At the time of the collision the *P. Caland* had at her
“ masthead, in place of the regulation white light, the red lights,
“ indicating that she was not under command. The question is,
“ whether she was, under the circumstances, justified in exhibiting
“ these lights. At the time when she thus exhibited them she was
“ proceeding at a speed which must be taken to have been not less
“ than four to five knots. Both the Courts below have held that she
“ cannot properly be said to have been not under command at the
“ time in question.

“ Construing the Article as a whole, it is certain that a vessel
“ may not be under command within the meaning of those words

¹ For the signals to be shown by a vessel in distress and wanting assistance, see Article 31, page 64.

² [1893] A.C. 207 at 211.

“ as used in the Article, and yet be making way through the water;
 “ for it is provided that, if making way through the water, a vessel
 “ shall carry the ordinary side lights as well as the red lights at her
 “ masthead.

“ At the same time, I desire to say that I do not think that
 “ because the Rule contemplates that a vessel not under command
 “ may be justified in making way through the water, it therefore
 “ implies that a vessel in so disabled a condition is always justified
 “ in continuing so to make way. This must depend upon the
 “ circumstances, and in my opinion, a vessel which cannot show
 “ that they were such as to justify her in taking this course, must
 “ be held to blame for not acting in a reasonable and seamanlike
 “ manner, even though she had complied with the statutory
 “ regulation. It never was intended that under all circumstances
 “ a vessel should be entitled to proceed at a considerable speed
 “ through the water, throwing upon other vessels out of whose
 “ way she would ordinarily have had to get, the obligation to get
 “ out of her way, though the circumstances might no doubt be such
 “ as to justify that course. For example, it might be necessary
 “ in order to avoid some danger which would otherwise be
 “ imminent. Or, again, if she were very near port, it might be
 “ reasonable and prudent to pursue her course.

“ With these preliminary observations I proceed to consider
 “ the construction of the Article.”

“ In the Court of Appeal the Master of the Rolls expressed
 “ himself as follows:—‘ Now looking at the words of the statute, at
 “ ‘ the first part of the clause, which speaks of her not being under
 “ ‘ command, and the second part her not being under command
 “ ‘ so that she cannot keep out of the way—taking those two
 “ ‘ together, it seems to me that the real construction of the rules
 “ ‘ is, that she must, through some accident, be in such a position
 “ ‘ that she is not under command in this sense, that she could
 “ ‘ not keep out of the way of another vessel coming near her.
 “ ‘ But if she can be steered, and can be stopped, and can go
 “ ‘ a-head—which is necessary in order that she may be steered—
 “ ‘ then she is under command, and the apprehension of her being
 “ ‘ likely (however well founded), to be in a few moments out of
 “ ‘ command does not show that she is out of command at the
 “ ‘ moment spoken of.’ And the other learned judges concurred
 “ in this view.

“ I cannot but think that this construction is somewhat too

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“ narrow. Suppose the vessel, though having steerage way on her and capable of being steered to port or starboard, yet owing to some disablement, answered her helm but very slowly, so that if an occasion for doing so should arise she could not get out of the way of another vessel in the manner which such vessel would have reason to anticipate. And suppose, though she can stop and reverse, she can only do so after great and unusual delay. I am not satisfied that in either of these cases she might not be probably described as not under command, and not able to keep out of the way of other vessels. It is not necessary to dwell upon the point as it has no application to the present case, but I wish to guard against being supposed to assent to so narrow a construction as appears to me to have been adopted by the Court below.

“ Again, suppose that, owing to a breakdown of the machinery, its ceasing to be capable of propelling the vessel is reasonably regarded as imminent and likely to occur at any moment, I am not satisfied that in this case a vessel may not properly be said, within the meaning of the rule, not to be under command. If she were to allow other vessels to continue their course and to manœuvre on the assumption that she would get out of their way, she might prove unable to take any action at the very time when a change of direction on her part could alone enable her to keep out of the way and thus avert disaster. It would certainly tend to safety if under such circumstances the rule required her to warn other vessels to keep out of her way, and I do not think any violence need be done to the language used to construe it as extending to such a case.

“ Even assuming, however, that the article will bear this construction, I am of opinion that the *P. Caland* cannot be said to have been out of command at the time of the collision. She was able to proceed at a rate which I think cannot have been less than four to five knots an hour. This speed was maintained, after the damage to the machinery presented itself and the red lights were exhibited, for half to three quarters of an hour before the collision. The two vessels were a considerable time locked together, and after they were separated the *P. Caland* steamed for half an hour before she became stationary. Even then it would appear that the machinery did not come to a standstill on account of its damaged condition, but was intentionally stopped for the purpose of repairing the damage.

“ Under these circumstances I cannot hold that, owing to the
 “ disablement of the machinery, the risk of its ceasing to work was
 “ so imminent that the vessel can be said not to have been under
 “ command within the meaning of the rule. I think, therefore,
 “ that she was not justified in exhibiting the red lights at her
 “ masthead, and must be held to have infringed the sailing regula-
 “ tions. And it appears to me impossible to say that this breach
 “ of the regulations was in no way connected with the collision
 “ which occurred, and cannot be said to have at all contributed to
 “ it. In my opinion, therefore, it has been rightly held that the
 “ *P. Caland* was to blame.”

A steam vessel which is riding to her anchor chains without anchors and with her fires banked, is a vessel not under command and should show the signals prescribed by this rule.¹

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ARTICLE 5.

A sailing vessel under way, and any vessel being towed, shall carry the same lights as are prescribed by Article 2 for a steam vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.

A sailing ship is under way within the meaning of this Article as soon as she ceases to be holden by her anchors, even though she may not be moving through the water and continues to be a vessel under way till her anchor is on the ground.²

By this Article a steam vessel being towed must carry the same lights as a sailing vessel under way or being towed. A steam vessel being towed in fog, mist, falling snow, or heavy rain-storm, must sound her fog-horn and not her whistle or siren (Article 15).

¹ The *Fædrelandet*. [1895] P. 205.

² The *Esk*, L.R. 2 A. & E. 350.

The *Buckhurst*, 6 P.D. 155.

See Article 1.

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No precise definition is given of the term "being towed." It is therefore questionable whether a steam vessel must take down her masthead light as soon as the tug is made fast to her when the steam vessel intends to use her own steam and only has the tug made fast to assist when required. It may, however, be argued that the term "being towed" implies that the tug must be actually exerting her force on the tow. It is submitted, however, that this would be too narrow a construction to be placed on the term "being towed." Additional lights are given to a tug by the regulations to indicate that she is an encumbered vessel and cannot by reason of a rope attached to another vessel, act as an ordinary steam vessel, and she hoists the towing lights as soon as she is fast to the tow, and the tow, if she be a steam ship, ought therefore to take down her mast head light.

A pilot vessel whether sailing or steam, being towed must take down her masthead light and put up her side lights.¹

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ARTICLE 6.

Whenever, as in the case of small vessels under way during bad weather, the green and red side lights cannot be fixed, these lights shall be kept at hand lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than 2 points abaft the beam on their respective sides.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.

¹ *The Mary Hounsell*, 4 P.D. 204.
Article 8.

It is impossible to say by what class of vessels this Rule may be used, as no definition is to be found of "small vessels."

Perhaps this Rule may only be used by the vessels mentioned in the next Article, but from the decision of the *Tirzah* it seems that the Court might allow vessels of a larger tonnage, having regard to their sea-going qualities and the state of the weather, to take advantage of this Rule.

It is impossible to say for certain what form the screens mentioned in this Article should take. Probably they should be similar in pattern to the screens mentioned in Article 2,¹ and should be fixed aft on the quarters, and so constructed that the lights can be very quickly dropped into position to show in the directions specified in Article 2 (a) and (b).¹

The *Tirzah*, a brig of 239 tons, had screens fitted aft on the quarters in which the lights were placed in bad weather instead of in their proper screens forward. The Court found that owing to the state of the weather she was justified in taking them out of their proper screens forward and placing them aft, but held her in fault for a collision, because the lights were partially obscured by the sails.¹

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ARTICLE 7.

Steam vessels of less than 40, and vessels under oars or sails of less than 20, tons gross tonnage, respectively, and rowing boats, when under way, shall not be obliged to carry the lights mentioned in Article 2 (a), (b), and (c), but if they do not carry them they shall be provided with the following lights:—

1. Steam vessels of less than 40 tons shall carry:—

(a) In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in Article 2 (a), and of such a character as to be visible at a distance of at least 2 miles.

(b) Green and red side lights constructed and fixed as

¹ 4 P.D. 33.

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prescribed in Article 2 (b) and (c), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.

2. Small steamboats, such as are carried by sea-going vessels, may carry the white light at a less height than 9 feet above the gunwale, but it shall be carried above the combined lantern, mentioned in sub-division 1 (b).
3. Vessels under oars or sails, of less than 20 tons, shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side, nor the red light on the starboard side.
4. Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light, which shall be temporarily exhibited in sufficient time to prevent collision.

The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (a), and Article 11, last paragraph.

This Article is new to the Rules and prescribes optional and more suitable lights to be carried by small craft.

Sub-section 3 defines the lights to be carried by sailing vessels or vessels under oars of less than 20 tons gross register. This sub-section does not apply to rowing boats, but it does apply to dumb barges and lighters propelled by oars. The light is to be visible at a distance which will be sufficient to prevent collision.

All rowing boats (this probably means small undecked or open rowing boats, as gigs, dinghies, punts, &c.) must now have on board a lantern showing a white light, and must show it in time to prevent collision.

All the vessels mentioned in this Article must carry or show a stern light as required by Article 10. The rowing boats under oars or sails will only require to have the lantern mentioned in sub-section 4 as that can be shown as a stern light.

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ARTICLE 8.

Pilot vessels, when engaged on their stations on pilotage duty, shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 15 minutes.

On the near approach of or to other vessels they shall have their side lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

A pilot vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the coloured lights above mentioned, have at hand ready for use a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Pilot vessels, when not engaged on their station on pilotage duty, shall carry lights similar to those of other vessels of their tonnage.

This Article applies to pilot vessels whether sailing or steam, under way or at anchor, with one exception, namely :—

By Order in Council of the 18th August, 1892, a steam pilot vessel exclusively employed by pilots licensed by a pilotage authority in the United Kingdom, shall carry, when on duty and under way, a red light 8 feet below her white masthead light and her side lights. When on duty and at anchor her side lights should be taken in.

Vessels, whether sailing or steam, used by pilots, not licensed by a pilotage authority of the United Kingdom, may use the lights mentioned in this Article.

A pilot vessel in tow of another vessel, even though on her station, must not carry her masthead light, but the side lights only.¹

By this Article a pilot vessel, not affected by the Order in Council, at anchor must put up the masthead light and not an anchor light, and must have her side lights ready to show to an approaching ship.

¹ The *Mary Hounsell*, 4 P.D. 204.
Article 5.

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ARTICLE 9.

N.B.—This Article will be the subject of another Order in Council, which will be submitted to Her Majesty for approval on a later date. Until such date the following rules must be obeyed by fishing boats :—

Open boats and fishing vessels of less than 20 tons net registered tonnage, when under way and when not having their nets, trawls, dredges, or lines in the water, shall not be obliged to carry the coloured side lights ; but every such boat and vessel shall in lieu thereof have ready at hand a lantern with a green glass on the one side and a red glass on the other side, and on approaching to or being approached by another vessel such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

The following portion of this Article applies only to fishing vessels and boats when in the sea off the coast of Europe, laying north of Cape Finisterre :—

- (a) All fishing vessels and fishing boats of 20 tons net registered tonnage, or upwards, when under way and when not required by the following regulations in this Article to carry and show the lights therein named, shall carry and show the same lights as other vessels under way.
- (b) All vessels when engaged in fishing with drift nets shall exhibit two white lights from any part of the vessel where they can be best seen. Such lights shall be placed so that the vertical distance between them shall be not less than 6 feet and not more than 10 feet, and so that the horizontal distance between them measured in a line with the keel of the vessel shall be not less than 5 feet and not more than 10 feet. The lower of these two lights shall be the more forward, and both of them shall be of such a character, and contained in lanterns of such construction as to show all round the horizon,

on a dark night with a clear atmosphere, for a distance of not less than three miles.

- (c) A vessel employed in line fishing with her lines out shall carry the same lights as a vessel when engaged in fishing with drift nets.
- (d) If a vessel when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall show the light and make the fog signal for a vessel at anchor.
- (e) Fishing vessels and open boats may at any time use a flare-up, in addition to the lights which they are by this Article required to carry and show. All flare-up lights exhibited by a vessel when trawling, dredging, or fishing with any kind of drag net shall be shown at the after part of the vessel, excepting that, if the vessel is hanging by the stern to her trawl, dredge, or drag net, they shall be exhibited from the bow.
- (f) Every fishing vessel and every open boat when at anchor between sunset and sunrise shall exhibit a white light visible all round the horizon at a distance of at least 1 mile.
- (g) In fog, mist, or falling snow, a drift net vessel attached to her nets, and a vessel when trawling, dredging, or fishing, with any kind of drag net, and a vessel employed in line-fishing with her lines out, shall at intervals or not more than 2 minutes make a blast with her fog-horn and ring her bell alternately.

This Article, which is Article 10 of the old Rules, is in force until such time as the forthcoming Order in Council shall change it. It has been further added to and amended by Orders in Council¹ as follows :—

As regards [British] steam vessels engaged in trawling [in the sea off the coast of Europe, lying north of Cape Finisterre], when under steam, such vessels, if of 20 tons gross register tonnage or upwards, and having their trawls in the water, and not being stationary in consequence of their gear getting fast to a rock or other obstruction, shall between sunset and sunrise either carry and show the lights required by [Article 3 of the Regulations of 1884, now Article 2], or shall carry and show in lieu thereof and in substitution therefor, but not in

¹ 30th December, 1884, and 24th June, 1885.

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addition thereto, other lights of the description set forth [below]:—

On or in front of the foremost head and in the same position as the white light which other steam ships are required to carry, a lanthorn, showing a white light ahead, a green light on the starboard side, and a red light on the port side; such lanthorn shall be so constructed, fitted, and arranged as to show an uniform and unbroken white light over an arc of the horizon of four points of the compass, an uniform and unbroken green light over an arc of the horizon of 10 points of the compass, and an uniform and unbroken red light over an arc of the horizon of 10 points of the compass, and it shall be so fixed as to show the white light from right ahead to two points on the bow on each side of the ship, the green light from two points on the starboard bow to four points abaft the beam on the starboard side, and the red light from two points on the port bow to four points abaft the beam on the port side; and (2) a white light in a globular lanthorn of not less than eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light all round the horizon; the lanthorn containing such white light shall be carried lower than the lanthorn showing the green, white, and red lights as aforesaid, so, however, that the vertical distance between them shall not be less than 6 feet nor more than 12 feet.

As regards [British] sailing vessels engaged in trawling [in the sea off the coast of Europe lying north of Cape Finisterre], such vessels, if of 20 tons net register tonnage or upwards, and having their trawls in the water, and not being stationary in consequence of their gear getting fast to a rock or other obstruction, shall between sunset and sunrise either carry and show the lights required by [Article 6 of the Regulations of 1884 now Article 5], or shall carry and show in lieu thereof and in substitution therefor, but not in addition thereto, other lights, of the [following description, namely]:—

On or in front of the foremast head a lanthorn having a green glass on the starboard side and a red glass on the port side, so constructed, fitted, and arranged that the red and

N.B.—The brackets [] surround words not in the text of the Order, but which are added for clearness, and to avoid printing Orders in detail.

green do not converge, and so as to show an uniform and unbroken green light over an arc of the horizon of 12 points of the compass, and an uniform and an unbroken red light over an arc of the horizon of 12 points of the compass, and it shall be so fixed as to show the green light from the right ahead to four points abaft the beam on the starboard side, and the red light from the right ahead to four points abaft the beam on the port side: and (2) a white light in a globular lantern of not less than 8 inches in diameter, and so constructed as to show a clear uniform and unbroken light all round the horizon: the lantern containing such white light shall be carried lower than the lantern showing the green and red lights as aforesaid, so, however, that the vertical distance between them shall not be less than 6 feet and not more than 12 feet.

[Or] a white light in a globular lantern of not less than eight inches in diameter, and so constructed as to show a clear uniform and unbroken light all round the horizon, and visible on a dark night, with a clear atmosphere, for a distance of at least 2 miles; and also a sufficient supply of red pyrotechnic lights which shall each burn for at least 30 seconds, and shall, when so burning, be visible for the same distance under the same conditions as the white light. The white light shall be shown from sunset to sunrise, and one of the red pyrotechnic lights shall be shown on approaching, or on being approached by, another ship or vessel in sufficient time to prevent collision.

² The red and green lights, which are permitted to be carried in lieu of the lights required by Articles 3 and 6 of the Regulations [of 1884, now Articles 2 and 5], shall be of such a character as to be visible at a distance of not less than 2 miles on a dark night, with a clear atmosphere.

The lights to be shown by British fishing vessels when fishing elsewhere than in the sea off the coast of Europe lying north of Finisterre are the lights mentioned in Articles 2, 5, 6, 7, 10, 11, and 12.

¹ Order in Council, 24th June, 1885.

² Order in Council, 30th December, 1884.

ART. 9.

RULES CONCERNING LIGHTS.

These Regulations give a trawler the choice as to which light she will exhibit *when trawling* off the coast of Europe to the north of Cape Finisterre. She may carry the ordinary lights for a vessel of her class under way, or she may carry the lights mentioned in this Article. Having this choice she must be very careful as to how she uses it. If she has sufficient way to keep herself under command, and also sufficient way on her to act with effect in altering her course for an approaching ship, she must show the ordinary lights for a vessel of her class under way (Article 2) and she must then act as an unencumbered vessel of her class is required by the Regulations. If she has no more than just steerage way, and has little power therefore of keeping out of the way of another vessel, she should carry the lights mentioned in this Article and should refrain from making any alteration of her course, and leave the other vessel to keep clear of her.¹

If a trawler becomes fast and stationary, she must take down her masthead light and put up the anchor light, and if it is thick weather she must make the signal for a vessel at anchor.²

The red pyrotechnic light to be shown by a sailing trawler to an approaching ship need not be shown until the vessels are approaching one another under such circumstances that there exists risk of collision, when it will be the duty of the trawler to show the red light.³

It is questionable under these new Regulations whether a steam-trawler with her trawl down and showing the lights mentioned in this Article will not be bound to keep out of the way of a sailing vessel. *See past* Articles 20 and 26.

¹ The *Tweeddale*, 14 P.D. 171.

² The *Warwick*, 15 P.D. 189.

³ The *Orion*, [1891] P. 307.

RULES CONCERNING LIGHTS.

ARTICLE 10.

A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or a flare-up light.

The white light required to be shown by this Article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of 12 points of the compass, viz: for 6 points from right aft on each side of the vessel, so as to be visible at a distance of at least 1 mile. Such light shall be carried as nearly as practicable on the same level as the side lights.

This Article applies to all kinds of craft, except pilot boats in their stations, trawlers with their gear down, and having a white masthead light, and vessels at anchor.

The stern light is now allowed to be *fixed*; but if it is fixed, it must only show over that portion of the horizon from which an overtaking ship can approach, viz., from 6 points from right aft on either side of the vessel (*see* Article 24).

When this light is *not fixed* it need not be shown to the overtaking ship till the vessel which is being overtaken has had an opportunity of seeing that the vessel which is overtaking her, is a vessel coming nearer to her, and that she is approaching on such a course that she cannot see the lights of the overtaken ship, and the light must be shown within a reasonable time to give the overtaking vessel an opportunity of keeping out of the way.¹ It is also necessary to have a look-out stationed astern to show the light to an overtaking ship. A fixed or movable binnacle light showing astern is not such a light as is required to be shown by this Article,² nor is the white masthead light of a trawler although visible from astern³ (*see* Article 24).

A trawling vessel with her gear down must if she is using a white masthead light burn a red flare, instead of showing a stern light.⁴

¹ Per Lord Herschell in *The Main*, 11 P.D. 136.

² *The Patroclus*, 13 P.D. 54. *The Breadalbane*, 7 P.D. 186.

³ *The Pacific*, 9 P.D. 124.

⁴ *The Orion* [1891], P. 307, and Article 9.

RULES CONCERNING LIGHTS.

ARTICLE 11.

A vessel under 150 feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all round the horizon at a distance of at least 1 mile.

A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than 20 feet, and not exceeding 40, feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall not be less than 15 feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry.

A vessel aground in or near a fairway shall carry the above light or lights and the two red lights prescribed in Article 4 (a).

Vessels over 150 feet in length are now obliged to carry two lights when at anchor. A vessel aground in or near a fairway must hoist two red lights as well as her anchor light. Consequently a vessel that is moored in a berth near to or in a fairway where she grounds at low water, must, when she takes the ground, hoist, in addition to her anchor light, the two red lights mentioned in Article 4 (a).

“At anchor” is opposed to “under way” and a vessel is “at anchor”

- i. When she is fixed by some appliance to the soil.
- ii. When she is fast to a buoy.
- iii. When she is moored to a wharf.¹

No exact place is mentioned at which the anchor light shall be hung so long as it is forward or in the fore part of the ship and is visible all round the horizon. It is practically impossible to place

¹ See Article 1. The *Dunelm.* 9 P.D. at 171.

a light as required by the precise wording of this article on account of the masts and rigging, but so long as it is placed in a spot where it will be least obscured by the masts and rigging this Rule will be complied with. It must be a clear, uniform, and unbroken light, and must not vary in intensity or uniformity, as is permitted in the case of the side lights.¹

Steam vessels of less than 40, and vessels under oars or sails of less than 20, tons gross tonnage respectively, are not required to carry or show the lights mentioned in the last paragraph of this Rule. [*See Article 7.*]

RULES CONCERNING LIGHTS.

ARTICLE 12.

Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use any detonating signal that cannot be mistaken for a distress signal.

This Rule is new to the Regulations and enables a vessel wishing to attract the attention of the look-out on board of an approaching vessel to take the necessary steps to do so.²

RULES CONCERNING LIGHTS.

ARTICLE 13.

Nothing in these Rules shall interfere with the operation of any special Rules made by the Government of any nation, with respect to additional station and signal lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by ship-owners, which have been authorised by their respective Governments, and duly registered and published.

¹ Article 2.

² See *The Merchant Prince*, 10 P.D. 139.

RULES CONCERNING LIGHTS.

ARTICLE 14.

A steam vessel proceeding under sail only, but having her funnel up, shall carry in daytime, forward, where it can best be seen, one black ball or shape 2 feet in diameter.

This Rule is new, and gives a distinguishing mark to steamers under sail only. Steam vessels showing this signal become sailing vessels, and will have to manœuvre as the Regulations direct.

For a steam vessel to make use of this signal, she must not be able to use her engines, either from disablement or from want of steam or other mechanical propelling power.¹

If the steam vessel is not under command, she must not use this distinguishing mark, but must hoist the shapes mentioned in Article 4 (a).

SOUND SIGNALS FOR FOG, &c.

ARTICLE 15.

All signals prescribed by this Article for vessels under way shall be given:—

1. By “steam vessels,” on the whistle or siren.
2. By “sailing vessels and vessels towed,” on the fog-horn.

The words “prolonged blast” used in this Article shall mean a blast of from 4 to 6 seconds’ duration.

A steam vessel shall be provided with an efficient whistle or siren, sounded by steam, or some substitute for steam, so placed that the sound may not be intercepted by any

¹ The *Jennie S. Barker*, 3 Asp. 42. The *Brig Byron*, 2 New South Wales. Rep. Ad. 1.

obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell.¹ A sailing vessel of 20 tons gross tonnage or upwards shall be provided with a similar fog-horn and bell.

In fog, mist, falling snow, or heavy rain-storms, whether by day or night, the signals described in this Article shall be used as follows:—

- (a) A steam vessel having way upon her shall sound, at intervals of not more than 2 minutes, a prolonged blast.
- (b) A steam vessel under way, but stopped and having no way upon her, shall sound, at intervals of not more than 2 minutes, two prolonged blasts, with an interval of about 1 second between them.
- (c) A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.
- (d) A vessel, when at anchor, shall, at intervals of not more than 1 minute, ring the bell rapidly for about 5 seconds.
- (e) A vessel when towing, a vessel employed in laying or in picking up a telegraph cable, and a vessel under way, which is unable to get out of the way of an approaching vessel through not being under command, or unable to manœuvre as required by these Rules shall, instead of the signals prescribed in sub-divisions (a) and (c) of this Article, at intervals of not more than 2 minutes, sound three blasts in succession, viz.: one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.

Sailing vessels and boats of less than 20 tons gross tonnage shall not be obliged to give the above mentioned signals, but if they do not, they shall make some other efficient sound signal at intervals of not more than 1 minute.

¹ NOTE.—In all cases where the Rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small sea-going vessels.

ART. 15

SOUND SIGNALS.

This Article differs considerably from the old Rule. Two additional signals are introduced, viz. :—

- i. Two prolonged blasts for steam vessels under way, but not moving through the water; and
- ii. A long blast followed by two short blasts for vessels towed and towing, vessels not under command, vessels not able to manœuvre as required by these Rules, and vessels at work on a telegraph cable.

This last signal may lead to uncertainty as to what manœuvres to adopt when it is heard in fog, mist, falling snow, or heavy rain-storms. It may come from a vessel for which you are not required to manœuvre, or it may come from a vessel for which you must manœuvre.

If this signal is sounded on a whistle or siren it may come from :—

- i. A steam vessel towing.
- ii. A telegraph ship at work.
- iii. A steam vessel not under command, whether making way through the water or not.
- iv. A steam vessel not able to manœuvre as required by these Rules.

If on a fog-horn, from :—

- i. A sailing vessel towing.
- ii. A sailing vessel being towed.
- iii. A steam vessel being towed.
- iv. A sailing vessel not under command, whether making way through the water or not.
- v. A sailing vessel unable to manœuvre as required by these Rules.

Vessels "unable to manœuvre as required by these Rules" are not vessels entitled to take advantage of the "not under command Rule" (Article 4), but are vessels which, from some temporary cause, are not able to manœuvre as directed by these Rules, and may include steamers in difficulties by reason of dangers of navigation, or collision with other vessels, and sailing vessels "in irons," or becalmed and not making way through the water.

It may be argued that this signal cannot be used by sailing vessels becalmed, because they are not required to manœuvre; as

steamers must get out of their way, and other sailing vessels will also be becalmed. This is not so. They are required by Article 21 to take steps to avoid a collision when they see that a collision cannot be averted by the action of the steam vessel alone.

Vessels which are "unable to manœuvre as required by these Rules" may make use of this signal] when performing or about to perform a manœuvre which is not sanctioned by these Rules.

Vessels hearing this signal [letter D of the Morse Code] must be prepared to act for any one of the various descriptions of craft above described.

Although a vessel may not herself be in the fog, yet if she is in its vicinity she must sound her fog signals so that vessels in the fog may know of her position.¹

What amount of density of fog will necessitate the use of these fog signals has not been defined. It probably must be such that the vessels, or their lights, cannot be seen in sufficient time to avoid risk of collision.

A sailing vessel tacking, must continue to sound fog signals for the tack on which she has been sailing until she has got the wind or the other tack. For example: a vessel tacking from the port tack to the starboard tack must sound two blasts until she has the wind on her starboard side and *vice versa*.²

A vessel hove-to must sound her fog horn for the tack on which she is hove-to; because she is a vessel under way and is not a vessel not under command.³

The two long-blast signals mentioned in sub-section (b) must only be used by steamers under way though not making way through the water, but which can, if required, manœuvre as directed by these Rules. The signal is only an indication that the vessel using it has no way through the water, but can at any moment act as these Rules direct.

¹ The *Milanese*, 4 Asp. 318.

² The *Constantia*, 6 Asp. 478.

³ The *Pennsylvania*, 8 Asp. O.S. 477.

SPEED OF SHIPS TO BE MODERATE IN FOG, &c.

ARTICLE 16.

Every vessel shall, in a fog, mist, falling snow, or heavy rain-storms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

This Article differs from the corresponding Article 13 of the old Rules. It is extended in its operation to heavy rain-storms, and directs that on hearing a fog whistle forward of the beam the engines should be stopped, contemplating that at the time the whistle is heard the speed of the vessel should be moderate. This Rule overrides Article 21, and a steamer hearing the whistle of another steamer on her port bow must stop her engines and then navigate with caution till danger of collision is over. If the whistle is heard ahead, or on the starboard bow, the engines must be at once stopped, and, if necessary, reversed. (Article 23.)

It is difficult to say exactly what special meaning can be attached to the phrase "having careful regard to the existing circumstances and conditions." It may be that it is intended to indicate that "moderate speed" is only a relative term.

The term "moderate speed" cannot be defined with any certainty, and will depend entirely upon circumstances. It is a relative term. It depends on the place of the fog, whether in the open sea or in narrow waters, on the kind of ship, and on the kind of fog.¹

¹ The *Beta*, 9 P.D. 134.

In the *Dordogne*,¹ a case of a collision between two steamers in a dense fog off Ushant, Lord Esher said :—

“ This case, it should be observed, is not like the case of a steamer going up or down a river or a narrow arm of the sea. There, whether vessels hear a whistle or not, they should contemplate the probability of meeting other vessels, and that in such a place vessels meeting would do so almost on the same line. Therefore, in the Thames for example, before a whistle is heard I think that a vessel in a dense fog should be brought as nearly as possible to a standstill, so as only to be just under command. But, on the open sea, where the probabilities of actually meeting another ship are less, I do not think that the speed need be as moderate as if a vessel is navigating a narrow channel. When, however, a sailor at sea hears a whistle, he knows immediately that there is another vessel in his vicinity. Then the case becomes more like the case of a fog in a river. A good deal must depend in the case at sea upon the indications which are given of the whistling vessel, and these must depend on the whistling from her, for it appears to me impossible that a whistle sounded a mile-and-a-half off can sound the same as a whistle heard at the distance of 100 yards. Therefore, if a ship at sea, in a dense fog, hears a whistle which should indicate that the other vessel may be from a mile to a mile-and-a-half away, she ought at once to reduce her speed to a moderate rate, though the moderation then would be very different from the moderation required when the other vessel came closer. . . . As the ship comes nearer and nearer, moderate speed becomes more moderate and more moderate. That which was moderate speed when the vessels were two or three miles apart, is not moderate speed when the vessels are within a half-a-mile of each other, and as the vessels get nearer, he must bring his own to as complete a standstill as possible without putting her out of command. . . . A sailing ship ought, if she is under full sail, to take sail off till she brings herself as nearly to a standstill as is possible whilst being under command.”

In the *Germanic*,² Mr. Justice Gorell Barnes, referring to this Rule, said :—

“ This is a most salutary Rule. The safety of life and property in thick weather at sea, and especially in narrow and crowded

¹ 10 P.D. 10.

² The *Germanic*, *The Times*, 22 Feb., 1896.

“waters, depends largely upon a strict compliance with its provisions. If all vessels moving about in thick weather comply with the Rule their speeds will be so reduced that, although one may be seen from another only at a short distance, time will still be left for each to take proper steps to avoid the other. If the ordinary slow speed of fast steamers (whose engines, when working at slow, may give them nearly as much speed as less powerful vessels only make at full speed or half speed) will not produce safe navigation, the engines must be reduced to dead slow, and if that is not sufficient they must be stopped from time to time.”

The speed therefore of vessels, whether sailing or steam, in fog, mist, falling snow or heavy rain storms, should be such as will enable the vessel to take at the right moment all precautions to prevent a collision.

The only excuse for going at a *not moderate* speed is the necessity for avoiding immediate danger. (*See Article 27.*)

As a guide as to what moderate speed in a fog may be, the following cases of *immoderate* speed should be noted :—

In the Mersey, 6 to 7 knots.

On the Clyde, 5 knots.¹

In the Baltic, 25 miles east of Gothland, 4 to 5 knots.²

In the Thames, 3 to 4 knots.³

In the Straits of Gibraltar, 4 to 5 knots, although there was a current of $2\frac{1}{2}$ knots against the vessel.⁴

10 miles off Ushant, $3\frac{1}{2}$ to 4 knots.⁵

200 miles east of Sandy Hook, 7 knots.⁶

In the St. Lawrence, off Cock Point, 6 to 8 knots.⁷

¹ The *Ariadne*, and the *Owl*, 9 Sess. Cass. 4 Ser. 118.

² The *Magna Charta*, 1 Asp. 153.

³ The *Girolamo*, 3 Hag. Ad. 174.

⁴ The *Resolution*, 6 Asp. 363.

⁵ The *Dordogne*, 10 P.D. 6.

⁶ The *Pennsylvania*, 3 Asp. O.S. 479.

⁷ The *Lake Ontario*, *The Times*, 11 Dec., 1896.

STEERING AND SAILING RULES.

PRELIMINARY.—RISK OF COLLISION.

Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

ARTICLE 17.

When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz. :—

- (a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.
- (b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.
- (c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.
- (d) When both are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.
- (e) A vessel which has the wind aft shall keep out of the way of the other vessel.

The preliminary paragraph to this Article cannot be taken as an exclusive definition of the term "risk of collision." It is only a method by which it can sometimes be ascertained.

It is utterly impossible for the legislature to determine what should constitute risk of collision, for that must always be decided according to the circumstances of each case by men of nautical experience.¹

¹ The *Mangerton*, Swab. 120.

ART. 17

STEERING AND SAILING RULES.

It has been described as a chance, a strong, or a reasonable probability of collision.

In the *Stanmore*, Lord Esher said :—

“ If in all probability a vessel has done something which, in fact she has done it, will produce risk of collision, a person who is aware of the fact of this probability of risk ought to consider that there is risk.”¹

When, therefore, you see the side light of a vessel closing in with her masthead light, indicating that the vessel is altering her course, which, if she has altered her course, would produce risk of collision, then there is risk of collision.

One of the difficulties in construing Article 17 is to determine what exactly is the meaning of the terms “close-hauled,” “running free,” and wind aft.

A vessel which may be sailing on a wind is close-hauled within the meaning of this Rule, although she is not as close to the wind as she can possibly be sailed. She may be as much as a point off the wind and yet will be close-hauled within the meaning of that phrase as used in this Article.

It is impossible to say where the line can be drawn between running free and wind aft.

A vessel sailing with the wind 4 points from right aft has been held to be a vessel with the wind aft.²

It seems, however, that a vessel with the wind aft, may at the same time be a vessel running free. For example,

A vessel A running before a N.E. wind, steering S.W. Sly. with her boom to starboard has on her port side a vessel B steering S.W. Wly., with her boom to port. Both are vessels running free and with the wind aft and are on converging courses.

If they are vessels with the wind aft and within sub-section (e), then by these Rules each has to get out of the way of the other. It is submitted that they are not within sub-section (e), but are vessels running free with the wind on different sides, in which case the vessel A steering S.W. Sly. must give way as she has the wind on her port side.

No great difficulty will be experienced in the daytime in determining whether a vessel is close-hauled or running free. This is not so easy at night.

¹ 10 P.D. 136.

The Spring, L.R. 2 A. & E. 99.

In the *Theodore H. Rand*, a vessel close-hauled on the port tack saw the red light of a sailing vessel on her starboard bow. Thinking it was a light of a vessel close-hauled on the starboard tack, she bore up and came into collision, for the other vessel was in fact running free.¹

A vessel close-hauled on the starboard tack is a vessel directed by Article 21 to keep her course *and speed*. She may luff up as close to the wind as she can without losing her speed; but she must not let her sails shake, as that has been held to be not keeping course.²

A vessel close-hauled on the starboard tack must give way to a vessel close-hauled on the port tack, if she sees that the vessel on the port tack is unmanageable or unable to obey the Rules of the Road by bearing up or tacking, on account of shoals, or other dangers of navigation or collision.³

As vessels hove-to are underway they must obey these Rules. If hove-to on the port tack, they must be got under command to avoid a vessel close-hauled on the starboard tack.⁴

When both vessels are running free with the wind on the same side, the windward vessel must keep out of the way of the leeward vessel; yet if the leeward vessel is an overtaking vessel as defined in Article 24, she must keep out of the way of the windward vessel, which latter vessel must keep her course *and speed*.⁵

A sailing vessel whether close-hauled or running free, or with the wind aft, must give way to any sailing vessel that she may overtake within the meaning of Article 24, and she must, if the circumstances of the case admit, avoid crossing ahead of her.⁶

¹ The *Theodore H. Rand*. 12 App. Cases, 247.

² The *Earl Wemyss*, 61 L.T.N.S. 290.

³ The *Ann Caroline*, 2 Asp. O.S. 208.

⁴ The *Rosalie*, 5 P.D. 245.

⁵ See Article 24.

⁶ See Article 22.

STEERING AND SAILING RULES.

ARTICLE 18.

When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This Article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and, by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.

It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Under this Rule it is the duty of a steam vessel meeting another steam vessel on a course nearly opposite to her own to port her helm, although, in fact, she may have the other vessel a *little* on her starboard bow.

This Rule has never been closely interpreted by the Law Courts, but having regard to the fact that the side lights of ships are now screened by the Board of Trade so as to show apparently to 2 degrees, yet, in fact, to about 4 degrees across the bows no

difficulty ought to be found in determining when this Rule applies.

By NIGHT.—The only cases in which it will apply are—

- i. When each vessel is in such a position as to see both the side lights of the other vessel. When a vessel sighted right ahead shows both her side lights this Rule will apply, because each must be in such a position as to see both the side lights of the other.
- ii. When a vessel showing both her side lights is sighted on a bearing from 0 degrees to about 4 degrees on either bow, because, as the side lights are now screened to show only about 4 degrees across the bows, each vessel will be within the range of visibility of both the side lights of the other.

By DAY.—The only cases in which the Rule will apply are when each vessel sees the masts of the other in line, or nearly in line, *with her own*.

This definition is evidently intended to describe the same positions as are indicated by the side lights at night. It clearly applies to the case of a steam vessel sighted right ahead, showing her masts in line, or nearly in line. The only other cases in which this Article will apply by day are when the masts of a steamer are seen in line, or nearly in line, from 0 degrees to 4 degrees on either bow.

If in doubt whether the vessels are within these Rules or not, the bearing of the approaching steamer should be carefully taken, and due allowance should be made if the bearing is taken from the side of the vessel.

STEERING AND SAILING RULES.

ARTICLE 19.

When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

This Rule has not been altered. It only applies to the case of a steam vessel having another steam vessel on her starboard side from a bearing of from about 4 degrees on the starboard bow to 2 points abaft the beam on the starboard side, and only then when the vessels are in such a position that if each keeps her course and speed there will be risk of collision, when it will be the duty of the vessel having the other vessel on her starboard side to port her helm and go astern of her, or to ease, stop, or reverse her engines (Articles 22-23). If the steam vessel on the starboard side is more than 2 points abaft the beam she is an overtaking vessel, and by Article 24 is bound to keep out of the way of the vessel she is overtaking.

When navigating a winding channel or on approaching any obstacle round which vessels must pass; the particular direction taken for a moment or a few moments in rounding a corner or avoiding an obstacle is not such an indication of the real course of the ship as to justify another ship in concluding that she is a crossing ship for which she must act,¹ and the approaching steamer should be carefully watched before deciding whether this Rule is applicable.

This Article has been held to apply to ships in different channels but whose courses if continued will intersect. For example: A vessel proceeding down Cardiff Drain on a S.W. Course and a vessel proceeding up the entrance channel to the Roath Basin on a N.N.E. course are vessels on crossing courses and the steamer proceeding up the entrance channel to the Roath Basin is bound to give way for the other.²

¹ *The Oceano*, 3 P.D. 63.

² *The Leverington*, 11 P.D. 118.

STEERING AND SAILING RULES.

ARTICLE 20.

When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.

This Rule, although slightly altered in its wording, has exactly the same meaning as the corresponding Article 17 of the old Rules.

The reason for this Rule is obvious. A steamer unencumbered is nearly independent of the wind. She can turn out of her course and turn into it again with little difficulty or inconvenience. She can slacken or increase her speed, stop or reverse her engines, and can move in one direction or the other with the utmost facility. She is therefore with reason considered bound to give way to a sailing ship, which is less subject to control and less manageable.¹

By this Rule every steamship, whether towing or not, must keep out of the way of a sailing ship. How she is to do this is settled in Articles 22 and 23. She must not, unless compelled to avoid immediate danger, cross a-head of the sailing ship, and she must, if necessary, slacken her speed or stop and reverse her engines.

When approaching a sailing ship on nearly an opposite course to her own, she must pass the sailing ship on the side which the sailing ship presents to her. There is only one case in which the steam vessel will have an option as to which side she is to pass a sailing ship, and that will be when she is directly a-head of the sailing ship; for Article 22 cannot then apply. That the sailing ship is becalmed will not preclude the operation of this Rule as one of the vessels, the steam ship, will be "proceeding" within the meaning of this Article.

By Article 24, if the sailing ship is overtaking the steam vessel, the sailing ship must keep out of the way.

Although the steam ship has to give way, yet a sailing ship

¹ *The Independence*, 14 Moo. P.C.C. 103.

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must not hamper her movements. If compelled by force of circumstances, as by the closeness of the shore or risk of collision with other vessels, the sailing ship may tack near to the steam vessel; and the steam vessel ought to be ready to act if she does so.¹

The fact that a steam vessel is neglecting to keep out of the way of a sailing ship, does not make it the duty of the sailing ship to take measures to avoid collision, except possibly under very exceptional circumstances; because it is possible for the steamship to act for the sailing ship up to almost the last moment; and any action on the part of the sailing ship might be liable to increase the risk of collision.² If the sailing vessel finds herself so close that collision cannot be avoided by the action of the steam vessel alone, she also must take such action as will best aid to avert collision (Article 21).

There seems some doubt since the decision of the *Tweeddale*,³ whether this Article will apply to the case of steam vessels engaged in fishing, meeting, or being met by, sailing vessels. Under the present Regulations a new Rule has been introduced making it compulsory for sailing vessels to get out of the way of sailing trawlers and drift netters. If the legislature had intended that steam trawlers also should have been exempted from the operation of Article 20, they no doubt would have been mentioned in Article 26.

In the *Tweeddale*, a decision on Article 9 of the New Rules, a steam trawler with her trawl down making 1 to 1½ knots an hour through the water and showing at her masthead the trawling lights (a white light and a red, white, and green light) as mentioned in Article 9, was run into by a sailing ship. The trawler was free from blame for not acting for the sailing ship, because the circumstances in which she was placed (viz., being encumbered by her trawl) justified her in disobeying Article 20. It was also held that if her speed through the water had been sufficient to have given her steerage way she ought to have shown the ordinary lights for a steam vessel under way and to have acted as such⁴ (see Articles 9 and 26).

¹ *The Palatine*, 1 Asp. 468. 27 L.T.N.S. 631.

² *The Highgate*, 62 L.T.N.S. 841.

³ 14 P.D. 164.

⁴ It is probable that this point will be dealt with when Article 9 is revised.

⁵ 14 P.D. 164.

STEERING AND SAILING RULES.

ARTICLE 21.

Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed.

NOTE.—When, in consequence of thick weather or other causes, such vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision (see Articles 27 and 29).

Under this Rule the duties of a steamship which has to keep her course are exactly the same as the duties of a sailing ship under the old Rules. She must obey the Rule implicitly until she sees that a collision is inevitable unless she takes some steps to avoid it; and then, and only then, must she do what is best to avoid collision. Strict compliance with this Rule is necessary, because it is possible for the giving-way vessel to act up to almost the last moment; and any action on the part of the vessel that is to keep her course *and speed* might be liable to mislead the other vessel and to increase the risk of collision.¹

This Rule (notwithstanding the note) does not, it is submitted, apply to steam vessels in fog, mist, falling snow, or heavy rain storms, and a steam vessel under these circumstances hearing the whistle of another steam vessel forward of her beam *on the port side*, the position of which is not determined, must stop her engines and navigate with care and caution until danger of collision is over.²

When a collision appears to be imminent, and action has to be taken as directed by the note to this Rule, and all depends upon the course of action immediately pursued, nothing can be more important than that those who have charge of the navigation of the vessel should remember that if they depart from the Rule, which directs them to keep their course and speed, they must

¹ The *Highgate*, 62 L.T.N.S. 841.

² Article 16, page 38.

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prove, not only to their own satisfaction, but also to the satisfaction of the Court which has to decide the question, that what was done was necessary for the purpose of avoiding immediate danger.¹

A sailing ship is required by this Rule to keep her course and speed, and she must do so unless the circumstances are such that she ought to obey the note to this Rule.

A vessel close-hauled does not break this Rule by luffing a little so long as she does not get so close to the wind that her sails shake, but luffing to the extent of $2\frac{1}{2}$ points is an infringement of this Rule.² Giving room to an overtaking vessel is not a breach of this Rule,³ and a vessel must not obstinately keep her course, when, by departing from it, a collision can be avoided.⁴

STEERING AND SAILING RULES.

ARTICLE 22.

Every vessel which is directed by these Rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

This Article is new to the Regulations, and applies to all the cases governed by Articles 17, 19, 20, 21, 23, 24, and 26.

It can hardly apply to the End-on Rule (Article 18), for by that Rule no direct injunctions are given to the vessels to keep out of the way of each other, but only explicit directions to be observed when vessels are in certain positions.

If Article 22 applied to vessels approaching end on to each other, in one instance compliance with the directions of the End-on Rule (Article 18) would cause a breach of this Article. For

¹ The *Khedive*. 5 App. Cas. 909.

² The *Earl Wemyss*. 61 L.T.N.S. 289.

³ The *Franconia*. 2 P.D. 11.

⁴ The *Lake St. Clair v. the Underwriter*. 3 Asp. 361.

example, when vessels are from 0 to 4 degrees on the starboard bows of each other, Article 18 orders them to port and pass ahead of each other, thus breaking this Article.

By this Rule a steam vessel should port to a red light on her starboard bow. She may, however, stop without porting and wait till the other vessel has passed (Article 23).

A sailing vessel, bound to give way for another vessel, must by this Article, if wishing to cross the course of the other vessel, go astern of her.

STEERING AND SAILING RULES.

ARTICLE 23.

Every steam vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

This Article is a modification of the old Rule (Article 18) which directed that every steam vessel, when approaching another vessel, so as to involve risk of collision, should slacken her speed or stop and reverse, if necessary. The new Rule applies only to one of the two steam vessels approaching each other; the other vessel having to keep her course *and speed* (Article 22).

The Rule does not, it is submitted, apply to vessels meeting under the End-on Rule (Article 18); for under that Rule the vessels are not directed to keep out of the way of each other, but only to follow a certain course, viz., to port their helms. When, however, one of the vessels, meeting under the End-on Rule, is obviously adopting a wrong manœuvre, the other vessel would probably be held in fault for the collision, if she did not, as soon as she saw that there was risk of collision, ease, stop or reverse her engines, or take such steps as a prudent seaman would take under the circumstances (Article 29).

The policy and principle of this Rule is clearly to inculcate the necessity of immediately taking the speed off the vessel when in such proximity to another vessel as to render a collision probable, and the Rule applies unless there be something which makes it necessary for the safety of navigation that the Rule as to stopping and reversing should not be acted upon.¹

The necessity to slacken speed or to stop and reverse arises as soon as it becomes apparent to the eye of an officer of ordinary skill and care that if the ships continue to approach, they will, in all likelihood, either shave close or collide.²

STEERING AND SAILING RULES.

ARTICLE 24.

Notwithstanding anything contained in these Rules, every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than 2 points abaft her beam, i.e., in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's side-lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

¹ The *Khedive*, 5 App. Cases 880-882.

² The *Beryl*, 9 P.D. 141.

The *Ceto*, 14 App. Cases 686.

The overtaking Rule as it now stands makes it quite clear under what circumstances a vessel is to consider herself an overtaking vessel, and that she continues to be an overtaking vessel until she is quite past and clear of the overtaken vessel.¹

How she is to pass the overtaken vessel is settled by Article 22. She must not pass ahead, nor may she after passing along the side of the overtaken vessel cut across her bows, as she continues to be subject to Article 24 till she is finally past and clear of the overtaken vessel.

If there is a probability of a close shave or of a collision with the overtaken ship, the overtaking vessel must slacken her speed, or stop and reverse, as the circumstances of the case require (Article 23).

By day a steam vessel can only in one position have any doubt whether she is an overtaking ship, and how she ought to act, and that is when she is approaching the starboard side of a steam vessel from a direction of about 2 points abaft the beam of such steam vessel.

She is either a crossing vessel and bound to keep her course and speed or she is an overtaking vessel and must give way. If in doubt as to whether she is a crossing or overtaking vessel she must under this Rule, assume that she is an overtaking vessel, and give way for the vessel she is approaching.

A sailing ship overtaking a steamship must, notwithstanding Article 20, keep out of the way of the steamship.

The duty of the overtaken ship is to keep her course and speed. If she has to manœuvre for a third vessel she must not deviate from her course more than is necessary to avoid immediate danger, and the overtaking ship must then take care to keep out of the way of the overtaken ship.²

The overtaken ship may, however, sheer away from the course of the overtaking ship so long as she does not hamper her manœuvres. For example; a steam vessel that was being overtaken by another steam vessel only three ship's lengths off on her port quarter ported and afterward hard-a-ported her helm, was not held in fault for a collision that ensued³ (*see* Article 21, page 50).

¹ The *Molière*, [1893] P. 217.

² The *Sarago-sa*, 68 L.T.N.S. 400.

³ The *Franconia*, 2 P.D. 13.

ART. 25

STEERING AND SAILING RULES.

When two vessels are sailing close-hauled on the starboard tack, the leading vessel must not go about unless obliged to do so to avoid a danger. The following vessel must then tack or keep out of the way of the leading vessel.¹ When the leading vessel wears instead of tacks, she must keep clear of the following ship, and she ought not to adopt this unexpected operation without some good reason or without sufficient sea room for the purpose.²

STEERING AND SAILING RULES.

ARTICLE 25.

In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

It is a question for the Court to decide what is a narrow channel. The Straits of Messina. The entrance to Falmouth Harbour.⁴ The Swin Channel in the Thames, where the proper course for inward bound steamers is to keep on the starboard side of the channel and to pass to the north side of the Swin Middle Lightship, leaving her on the port hand.⁵ Cardiff Drain, and the entrance channel to Roath Basin⁶ have all been held to be narrow channels to which this Rule applies.

The fairway is apparently the part of the narrow channel used for navigation, and it is to the starboard side of that portion of the narrow channel that steam vessels are, if it is safe and practicable, to keep.

¹ The *Priscilla*, L.B. 3 A. & E. 125.

² The *Falkland*, Br. & Lush. 204.

³ The *Rhondda*, 8 App. Cases 549.

⁴ The *Clydach*, 5 Asp. 336.

⁵ The *Minnie*, [1894], P. 336.

The *Oporto*, *The Times*, 9 Dec., 1896.

⁶ The *Leverington*, 11 P.D. 117.

The fairway is not necessarily the channel between a row of buoys placed to mark the edge of the deep water ; it is the open navigable passage used by vessels proceeding up or down the channel.¹

It is not an infringement of this rule that a steamer has to move out of the starboard side of the fairway to avoid a sailing ship. She must, however, return to her proper water as soon as possible.

STEERING AND SAILING RULES.

ARTICLE 26.

Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This Rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels or boats.

This Rule is new to the Regulations. It has, however, always been the usual practice for sailing vessels to keep out of the way of sailing vessels or boats fishing with nets or lines, or trawls. Steam vessels must keep out of the way of sailing vessels engaged in fishing (Article 20).

The fishing may not be carried on so as to obstruct the fairway used by other vessels. It does not, however, prevent fishing in a fairway, so long as it is not done in such a way as to prevent other vessels making use of the fairway.

The fairway presumably is that portion of a narrow channel that is used in navigation by vessels other than fishing vessels (*see* Article 25).

It is doubtful whether a sailing vessel should keep out of the way of a steam trawler showing the lights mentioned in Article 9 (*see* pages 30 and 48).²

¹ The *Blue Bell*. [1893] P. 244.

² See the *Tweeddale*, 14 P.D. 164.

STEERING AND SAILING RULES.

ARTICLE 27.

In obeying and construing these Rules, due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid immediate danger.

This Rule is the same as the Old Rule (Article 23), except that the words "and collision" have been added.

The Regulations for preventing collisions at sea must be implicitly obeyed, and no departure therefrom is permissible, except when there is a chance of avoiding a collision which otherwise is inevitable, and it must be shown conclusively that obedience to the Regulations would and could not have avoided the collision.¹ But in a case of immediate danger, where a collision appears to be inevitable, and all depends upon the course of action immediately pursued, nothing can be more important than that those who have charge of the navigation of the vessel should know that if they depart from the rules which are laid down with sufficient distinctness, they must prove not only to their own satisfaction, but also to the satisfaction of the Court which has to decide the question, that what was done was necessary for the purpose of avoiding immediate danger, and that the course adopted was reasonably calculated to avoid collision. If the Rules are observed every person will know precisely what he is to do.²

A vessel, however, must not insist on her right of way when she sees that another vessel cannot or will not give way in time to avoid collision. If the giving way vessel is a steam vessel, she must be given ample time to act, for she can get out of the way

¹ *The Benares*, Bowen, J., 9 P.D. 16.

² *The Khedive*, 5 App. Cases at 909.
The Agra, L.R. 1 P.C. 501.

up to a very late period, and must not be hampered in her movements by a departure from the Regulations by the other vessel.¹

The fact that a vessel has been guilty of misconduct, or has not observed these Regulations, does not relieve those in charge of another vessel from doing all in their power to avoid collision.²

A steam tug, towing a vessel in the open sea against a strong head wind, is not justified in departing from the rule that a steam vessel must keep out of the way of a sailing vessel.³

Under the old Rules a steam trawler, showing the lights mentioned in Article 9, was justified in not manœuvring for a sailing vessel as directed by Article 17 (now Article 20) on the ground that she, by having her trawl down, was entitled to take advantage of Article 23 (now Article 27) ; but see Articles 20 and 26.⁴

SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER.

ARTICLE 28.

The words "short blast" used in this Article shall mean a blast of about one second's duration.

When vessels are in sight of one another, a steam vessel under way, in taking any course authorised or required by these Rules, shall indicate that course by the following signals on her whistle, or siren, viz. :—

One short blast to mean, "I am directing my course to starboard."

Two short blasts to mean, "I am directing my course to port."

Three short blasts to mean, "My engines are going full speed astern."

¹ *The Independence*, 14 Moo. P.O. 103.

² *The Friedrich*, L.R. 2 P.C. 25, at 34.

³ *The Warrior*, L.R. 3 A & E. 553.

⁴ *The Tweedsdale*, 14 P.D. 164.

ART. 29

PRECAUTIONS.

This Rule differs slightly from the old Rule by making the use of the signals compulsory when vessels, in sight of each other, are taking any course authorised by these Rules. *These signals must not be used in fog unless the vessels are in sight of each other.*

It must be remembered, however, that the first two signals are only for the purpose of indicating that a vessel is, at the moment the signal is given, directing her course to port or starboard. They do *not* mean that the vessel is going to pass on a particular side; nor that her helm is placed in a particular way; nor that the vessel will continue on the course she is taking.

The last signal gives no indication of the speed of the vessel nor of her direction through the water, whether ahead or astern; it only indicates that the engines are going full speed astern.

NO VESSEL UNDER ANY CIRCUMSTANCES TO NEGLECT PROPER PRECAUTIONS.

ARTICLE 29.

Nothing in these Rules shall exonerate any vessel, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

It is not only necessary to carry and exhibit the lights required by these Rules, but those lights should conform to the requirements of the Board of Trade, but unfortunately the fact that they do comply with the requirements of the Board of Trade will not be conclusive evidence that the lights comply with the requirements of these Rules, as at present there is no Order in Council defining how the lights are to be screened so as to comply with these Rules.¹

It is no excuse that the Regulation lights have been lost by

¹ See Article 2 at page 13.

collision, or broken, or put out by bad weather, unless it can be shown that the circumstances were such that lights could not be replaced in time to avoid collision.¹

That the lights were being trimmed is no excuse for breaking the Rules.²

If the lights are obscured by smoke from the funnel, the speed of the vessel must be reduced.³

Sailing so close behind another vessel that the vessel's lights and the lights of an approaching vessel are obscured is negligence.

Neglect to keep a good look-out will entail responsibility for any damages that may arise. In crowded waters the look-out should always be placed forward, so that objects close to the ship may be seen in time to avoid collision.

It is doubted whether the crow's nest is a proper place for the look-out in crowded waters, as the men are not so much under control as when stationed on deck. No doubt to place them in the crow's nest in stormy weather is a very useful precaution, because it enables them to keep a look-out ahead in the case of seas coming over the fore deck.⁴

The man on the look-out should have no other duty allotted to him, and he should not be called away to attend the sheets or braces when the ship is tacking.⁵

The master when keeping the look-out should, before going below to look at the chart, or for other purposes, see that sufficient look-outs are on deck during his absence.⁶

If the look-out on a steamer is hampered by smoke from the funnel obscuring the range of vision, the speed of the steamer should be slackened, so as to give greater opportunity of avoiding any vessel with which there is a probability of coming into collision.⁷

If the use of glasses will enable an object to be seen sooner, the

¹ *The Saxonia*. Lush. 410.

The Kjobenhavn. 2 Asp. 213.

The Aurora. Lush. 327.

² *The C. M. Palmer*. 2 Asp. 95.

³ *The Rona*. 2 Asp. 182.

The Zollverein. Swab. 97.

⁴ *The Lahn*. *Shipping Gazette*, Nov. 23, 1894.

⁵ *The Constantia*. 6 Asp. 478.

⁶ *The Mellona*. 3 W. Rob. 13.

⁷ *The Vivid*. 7 Not. of Cas. 127.

neglect by the look-out to use glasses will constitute a bad look-out.¹

A vessel towed must keep a vigilant look-out to watch the towing vessel and to follow her manœuvres. When a vessel being towed is likely to meet other vessels, the tow rope should not be so made fast that it cannot be slipped, unless there is means ready at hand to cut the tow rope in case of necessity.²

A vessel that has not a fixed stern light should have a man stationed to look out astern and to show the stern light to the overtaking vessel in due time to avoid collision.

In a fog a sailing vessel must have sufficient men on deck to enable her to manœuvre rapidly to avoid collision.³

There is no hard and fast rule that, when a vessel at sea in a fog becomes aware that another vessel is in her neighbourhood, she ought, whilst complying with the Regulations as to speed, to keep her course, unless she has some indications more or less reliable that it would be proper or at least safe to change it. What indications would be sufficient to warrant a change of course is a question of fact which must depend upon the circumstances of each case.⁴

A vessel brought up in a place that is not ordinarily used as an anchorage ground must have an anchor watch to sheer the vessel and let out chain, if required. When moving about in a dock or crowded waters there should be a look-out placed fore and aft.

It is the duty of every vessel under way to keep clear of every vessel at anchor, whether she is at anchor in a proper or improper place.⁵ A vessel should not bring up in the fairway if she can possibly get to an anchorage ground.⁶

When coming to an anchor care must be used to see that a foul berth be not given to another vessel, and, if necessary, two anchors should be let go to prevent fouling the vessel already at anchor.

When taking a berth alongside another vessel, the last comer

¹ *The Hibernia*. 2 Asp. 454.

² *The Jane Bacon*. 27 W.R. 35.

³ *The Zadok*. 9 P.D. 114.

⁴ *The Vindamora*. [1891] A.C. 1.

⁵ *The Batavier*. 2 W. Rob. 407.

The Lancashire. L.R. 4 A. & E. 202.

⁶ *The Kjobenhavn*. 2 Asp. 213.

must keep out of harms way, for the first comer is only required to take ordinary precautions to prevent damage.¹ He must bear the risk who voluntarily places his ship in a position where danger may arise to another.² A ship has no right to be placed in such a berth as to make it inevitable that she must take the ground on the ebb tide to the probable risk to vessels moored in her vicinity.³

A vessel to whom a foul berth is given is not required to take more than the ordinary and usual precautions against bad weather and she will not be responsible for the damage she may do, although it might have been prevented by the exercise of unusual precautions.⁴

A vessel about to come to an anchor is not entitled to consider her own safety alone. She is bound to have regard to the safety of other vessels which are navigating, or at anchor, in her vicinity, and those on board of her should act as reasonable men, as men of prudence and skill would act, with due regard, not only to the safety of their own ship, but also to the safety of other vessels.⁵

Her crew should at all times be sufficient to work the ship so as to protect the ship against the ordinary incidents of peril which a competent seaman would foresee and provide against,⁶ and if the vessel is moored, there should be sufficient hands on board to let go her anchor, or to take other precautions to prevent damage if the moorings break.⁷

An officer should not relinquish his charge to one of inferior rank at a time when his vessel is actually manœuvring in order to keep clear of an approaching steamer.⁸

The speed of a vessel should always be such that damage is no done to other craft. A vessel must not go at such a speed that her swell may cause damage to other craft, even though she is going at a speed that may be permitted by local bye-laws.⁹

¹ *The Patriotto*. 2 L.T.N.S. 301.

² *The Lidskjalf*. Swab. 117.

³ *The Indian*. 2 Asp. O.S. 217.

⁴ *The Vivid*. 1 Asp. 601.

⁵ *The Annot Lyle*. 6 Asp. 51.

⁶ *The Excelsior*. L.R. 2 A. & E. 272.

⁷ *The Kepler*. 2 P.D. 40.

⁸ *The Khedive*. 5 App. Cases, 897.

⁹ *The Batavier*. 9 Moo. P.C.C. 286.

A steamer when near the coast,¹ or when passing over a fishing ground,² is not justified in running at full speed on a night so dark that vessels can only be seen at a short distance.

If a ship is so navigated as to expose other ships to unusual danger, she must be responsible for their not getting out of the way.³

It is a prudent rule in a winding river, in the absence of special regulations, for a steamship about to round a point against the tide, to wait until the vessel coming in the opposite direction has passed clear.⁴

When a ship carries a latent instrument, as a ram, dangerous to others, she must take reasonable precautions that it does no damage, and she ought, if necessary, to warn approaching ships.⁵

The law throws upon those who launch a vessel the obligation of doing so with the utmost precaution, and of giving such a notice as is reasonable and sufficient to prevent any injury happening from the launch. Moreover, the burden of showing that every reasonable precaution has been taken, and every reasonable notice given, lies upon those managing the launch.⁶ A vessel that obstinately refuses to get out of the way of a launch will be in fault for a collision.⁷

¹ *The City of Brooklyn*. 1 P.D. 276.

² *The Pacific*. 9 P.D. 124.

³ *The La Plata*. Swab. 223.

⁴ *The Talabot*. 63 L.T. 812.

⁵ *H.M.S. Bellerophon*. 3 Asp. 58.

⁶ *The Andalusian*. 2 P.D. 231.

The George Roper. 8 P.D. 120.

⁷ *The Cachapool*. 7 P.D. 217.

RESERVATION OF RULES FOR HARBOURS AND INLAND NAVIGATION.

ARTICLE 30.

Nothing in these Rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbour, river, or inland waters.

The local Rules do not in all cases preclude the operation of the Régulations for preventing collisions at sea. When they conflict, the local Rules supersede the general Regulations.¹

Local Rules have been made applicable to the following, among other places :—

Belfast	Solent
Carron River	Suez Canal
Cork	Tees
Clyde	Thames
Danube	Trent
Dublin	Tyne
Humber	Waterford
Mersey	

and the Dockyard ports of Chatham, Sheerness, Woolwich, Portsmouth, Plymouth, Pembroke, Portland, and Queenstown.

¹ The *C. S. Butler*, L.R. 4 A. and E. 238.

DISTRESS SIGNALS.

ARTICLE 31.

When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, viz. :—

In the daytime—

1. A gun or other explosive signal fired at intervals of about a minute;
2. The International Code signal of distress indicated by NC;
3. The distant signal, consisting of a square flag, having either above or below it a ball, or anything resembling a ball.
4. A continuous sounding with any fog-signal apparatus.

At night—

1. A gun or other explosive signal fired at intervals of about a minute;
2. Flames on the vessel (as from a burning tar-barrel, oil barrel, &c.);
3. Rockets or shells, throwing stars of any colour or description, fired one at a time, at short intervals;
4. A continuous sounding with any fog-signal apparatus.

These signals are made by virtue of Section 434 of the Merchant Shipping Act, 1894.

The master of a vessel who displays, or allows anybody under his authority to display, the signals when his vessel is not in distress, will be liable to pay compensation for any labour undertaken, risk incurred, or loss sustained, in consequence of the signals having been taken for signals of distress.¹

¹ Merchant Shipping Act, 1894, Section 434, Sub-sec. 2.

THE OLD AND NEW RULES.

Old Rules.

1884.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

ART. 1. In the following Rules every steamship which is under sail and not under steam is to be considered a sailing ship; and every steamship which is under steam, whether under sail or not, is to be considered a ship under steam.

RULES CONCERNING LIGHTS.

ART. 2. The lights mentioned in the following Articles, numbered 3, 4, 5, 6, 7, 8, 9, 10, and 11, and no others, shall be carried in all weathers, from sunset to sunrise.

New Rules.

1897.

REGULATIONS FOR PREVENTING COLLISIONS AT SEA.

PRELIMINARY.

These Rules shall be followed by all vessels upon the high seas and in all waters connected therewith, navigable by sea-going vessels.

In the following Rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.

The word "steam vessel" shall include any vessel propelled by machinery.

A vessel is "under way" within the meaning of these Rules, when she is not at anchor, or made fast to the shore or aground.

RULES CONCERNING LIGHTS, &c.

The word "*visible*" in these Rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

ART. 1. The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

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ART. 3. A sea-going steamship when under way shall carry—

(a) On or in front of the foremast, at a height above the hull of not less than 20 feet, and if the breadth of the ship exceeds 20 feet, then at a height above the hull not less than such breadth, a bright white light, so constructed as to show an uniform and unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the ship, viz., from right ahead to two points abaft the beam on either side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles.

(b) On the starboard side a green light so constructed as to show an uniform and unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the starboard side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

(c) On the port side a red light, so constructed as to show an uniform and unbroken light over an arc

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ART. 2. A steam vessel when under way shall carry—

(a) On or in front of the foremast, *or if a vessel without a foremast, then in the fore part of the vessel*, at a height above the hull of not less than 20 feet, and if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, *so, however, that the light need not be carried at a greater height above the hull than 40 feet*, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, viz., from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

(b) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

(c) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon

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the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles.

- (d) The said green and red side lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.

ART. 4. A steamship, when towing another ship, shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than 3 feet apart, so as to distinguish her from other steamships. Each of those lights shall be of the same construction and character, and shall be carried in the same position, as the white light which other

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of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

- (d) The said green and red side lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.
- (e) *A steam vessel when under way may carry an additional white light similar in construction to the light mentioned in sub-division (a). These two lights shall be so placed in line with the keel that one shall be at least 15 feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.*

ART. 3. A steam vessel when towing another vessel shall, in addition to her side lights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such lights, if the length of the tow, measuring from the stern of the towing

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steamships are required to carry.

ART. 5. (a) A ship, whether a steamship or a sailing ship, which from any accident is not under command, shall at night carry, in the same position as the white light which steamships are required to carry, and, if a steamship, in place of that light, three red lights in globular lanterns, each not less than 10 inches in diameter, in a vertical line one over the other, not less than 3 feet apart, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles; and shall by day carry in a vertical line one over the other, not less than 3 feet apart, in front of but not lower than her foremast head, three black balls or shapes, each 2 feet in diameter.

(b) A ship, whether a steamship or a sailing ship, employed in laying or in picking up a telegraph cable, shall at night carry in the same position as

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vessel to the stern of the last vessel towed, exceeds 600 feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in Article 2 (a), except the additional light, which may be carried at a height of not less than 14 feet above the hull.

Such steam vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.

ART. 4. (a) *A vessel which from any accident is not under command, shall carry at the same height as the white light mentioned in Article 2 (a), where they can best be seen, and, if a steam vessel, in lieu of that light, two red lights, in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles; and shall by day carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, two black balls or shapes, each 2 feet in diameter.*

(b) *A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in Article 2 (a), and,*

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the white light which steamships are required to carry, and, if a steamship, in place of that light, three lights in globular lanterns each not less than 10 inches in diameter, in a vertical line over one another, not less than 6 feet apart; the highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character that the red lights shall be visible at the same distance as the white light. By day she shall carry in a vertical line one over the other not less than 6 feet apart, in front of but not lower than her foremast head, three shapes not less than 2 feet in diameter, of which the top and bottom shall be globular in shape and red in colour, and the middle one diamond in shape and white.

(c) The ships referred to in this Article, when not making any way through the water, shall not carry the side lights, but when making way shall carry them.

(d) The lights and shapes required to be shown by this Article are to be taken by other ships as signals that the ship showing them is not under command, and cannot therefore get out of the way. The signals to be made by ships in distress and requiring assistance are contained in Article 27.

ART. 6. A sailing ship under way, or being towed, shall carry

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if a steam vessel, in lieu of that light, three lights in a vertical line one over the other, not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon, at a distance of at least 2 miles. By day she shall carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, three shapes not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.

(c) The vessels referred to in this Article, when not making way through the water, shall not carry the side lights, but when making way shall carry them.

(d) The lights and shapes required to be shown by this Article are to be taken by other vessels as signals that the vessel showing them is not under command and cannot therefore get out of the way.

These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Article 31.

ART. 5. A sailing vessel under way, and any vessel being

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the same lights as are provided by Article 3 for a steamship under way, with the exception of the white light, which she shall never carry.

ART. 7. Whenever, as in the case of small vessels during bad weather, the green and red side lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.

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towed, shall carry the same lights as are prescribed by Article 2 for a steam vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.

ART. 6. Whenever, as in the case of small vessels *under way* during bad weather, the green and red side lights cannot be fixed, these lights shall be kept *at hand lighted* and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, *nor, if practicable, more than 2 points abaft the beam on their respective sides.*

To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.

ART. 7. *Steam vessels of less than 40, and vessels under oars or sails of less than 20, tons gross tonnage, respectively, and rowing boats, when under way, shall not be obliged to carry the lights mentioned in Article 2 (a) (b) and (c), but if they do not carry them they shall be provided with the following lights:—*

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1. *Steam vessels of less than 40 tons shall carry :—*

(a) *In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in Article 2 (a), and of such a character as to be visible at a distance of at least 2 miles.*

(b) *Green and red side lights constructed and fixed as prescribed in Article 2 (b) and (c), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.*

2. *Small steamboats, such as are carried by sea-going vessels, may carry the white light at a less height than 9 feet above the gunwale, but it shall be carried above the combined lantern, mentioned in sub-division 1 (b).*

3. *Vessels under oars or sails, of less than 20 tons, shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor*

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ART. 9. A pilot vessel, when engaged on her station on pilotage duty, shall not carry the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 15 minutes.

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the red light on the starboard side.

4. *Rowing boats, whether under oars or sail, shall have ready at hand a lantern, showing a white light, which shall be temporarily exhibited in sufficient time to prevent collision.*

The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (a), and Article 11, last paragraph.

ART. 8. Pilot vessels, when engaged on their station on pilotage duty, shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 15 minutes.

On the near approach of or to other vessels they shall have their side lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

A pilot vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board, may show the white light instead of carrying it at the masthead, and may, instead of the coloured lights above mentioned, have at hand ready for use a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

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A pilot vessel, when not engaged on her station on pilotage duty, shall carry lights similar to those of other ships.

ART. 10. (*See page 26.*)

ART. 11. A ship which is being overtaken by another shall show from her stern to such last-mentioned ship a white light or flare-up light.

ART. 8. A ship, whether a steamship or a sailing ship, when at anchor, shall carry, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light, in a globular lantern of not less than eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light visible all round the horizon, at a distance of at least 1 mile.

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Pilot vessels, when not engaged on their station on pilotage duty, shall carry lights similar to those of other vessels *of their tonnage.*

ART. 9.* (*See page 26.*)

ART. 10. A vessel which is being overtaken by another shall show from her stern to such last mentioned vessel a white light or a flare-up light.

The white light required to be shown by this article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of 12 points of the compass, viz.: for 6 points from right aft on each side of the vessel, so as to be visible at a distance of at least 1 mile. Such light shall be carried as nearly as practicable on the same level as the side lights.

ART. 11. A vessel under 150 feet in length, when at anchor, shall carry forward where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all round

* This Article will deal with regulations affecting fishing boats, and will be the subject of another Order, which will be submitted to Her Majesty for approval at a later date.

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the horizon at a distance of at least 1 mile.

A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than 20, and not exceeding 40, feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall not be less than 15 feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry.

A vessel aground in or near a fairway shall carry the above light or lights and the two red lights prescribed by Article 4 (a).

ART. 12.—*Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use any detonating signal that cannot be mistaken for a distress signal.*

SPECIAL LIGHTS FOR SQUADRONS
AND CONVOYS.

ART. 26. Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for two or more ships of war sailing under convoy.

ART. 13. Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by shipowners, which have been authorised by their respective Governments and duly registered and published.

ART. 14. *A steam vessel pro-*

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SOUND SIGNALS FOR FOG, &c.

ART. 12. A steamship shall be provided with a steam whistle or other efficient steam sound signal, so placed that the sound may not be intercepted by any obstructions, and with an efficient fog horn to be sounded by a bellows or other mechanical means, and also with an efficient bell.* A sailing ship shall be provided with a similar fog-horn and bell.

In fog, mist, or falling snow, whether by day or night, the signals described in this Article shall be used as follows, that is to say :—

- (a) A steamship under way shall make with her steam whistle or other steam sound signal, at intervals of not more than two minutes, a prolonged blast.

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ceeding under sail only, but having her funnel up, shall carry in daytime, forward, where it can best be seen, one black ball or shape 2 feet in diameter.

SOUND SIGNALS FOR FOG, &c.

ART. 15. *All signals prescribed by this Article for vessels under way shall be given :—*

1. By "steam vessels," *on the whistle or siren.*

2. By "sailing vessels and vessels towed," *on the fog-horn.*

The words "prolonged blast" used in this Article, shall mean a blast of from 4 to 6 seconds duration.

A steam vessel shall be provided with an efficient whistle or siren, *sounded by steam or some substitute for steam*, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell.* A sailing vessel of 20 tons gross tonnage or upwards shall be provided with a similar fog-horn and bell.

In fog, mist, falling snow, or heavy rain storms, whether by day or night, the signals described in this Article shall be used as follows, viz. :—

- (a) A steam vessel *having way upon her*, shall sound, at intervals of not more than 2 minutes, a prolonged blast.

* In all cases where the Rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small sea-going vessels.

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- (b) A sailing ship under way shall make with her fog-horn, at intervals of not more than 2 minutes, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.
- (c) A steamship and a sailing ship, when not under way, shall at intervals of not more than 2 minutes, ring the bell.

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- (b) *A steam vessel under way, but stopped and having no way upon her, shall sound, at intervals of not more than 2 minutes, two prolonged blasts, with an interval of about 1 second between them.*
- (c) *A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.*
- (d) *A vessel when at anchor, shall, at intervals of not more than 1 minute, ring the bell rapidly for about 5 seconds.*
- (e) *A vessel when towing, a vessel employed in laying or in picking up a telegraph cable, and a vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to manœuvre as required by these Rules shall, instead of the signals prescribed in sub-divisions (a) and (c) of this Article, at intervals of not more than 2 minutes, sound three blasts in succession, viz. : one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.*

Sailing vessels and boats of less than 20 tons gross tonnage

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SPEED OF SHIPS TO BE MODERATE
IN FOG, &c.

Art. 13. Every ship, whether a sailing ship or steamship, shall, in a fog, mist, or falling snow, go at a moderate speed.

STEERING AND SAILING RULES.

ART. 14. When two sailing ships are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz. :—

- (a) A ship which is running free shall keep out of the way of a ship which is close-hauled.

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shall not be obliged to give the above-mentioned signals, but if they do not, they shall make some other efficient sound-signal at intervals of not more than 1 minute.

SPEED OF SHIPS TO BE MODERATE
IN FOG, &c.

ART. 16. Every vessel shall, in a fog, mist, falling snow, or heavy rain-storms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

STEERING AND SAILING RULES.

PRELIMINARY—RISK OF COLLISION.

Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

ART. 17. When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz. :—

- (a) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

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- (b) A ship which is close-hauled on the port tack shall keep out of the way of a ship which is close-hauled on the starboard tack.
- (c) When both are running free with the wind on different sides, the ship which has the wind on the port side shall keep out of the way of the other.
- (d) When both are running free with the wind on the same side, the ship which is to windward shall keep out of the way of the ship which is to leeward.
- (e) A ship which has the wind aft shall keep out of the way of the other ship.

ART. 15. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This Article only applies to cases where ships are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two ships which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are, when each of the two ships is end on, or nearly end on, to the other; in other words, to cases in which, by day,

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- (b) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.
- (c) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.
- (d) When both are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.
- (e) A vessel which has the wind aft shall keep out of the way of the other vessel.

ART. 18. When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This Article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are, when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day,

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each ship sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each ship is in such a position as to see both the side lights of the other.

It does not apply, by day, to cases in which a ship sees another ahead crossing her own course; or by night to cases where the red light of one ship is opposed to the red light of the other, or where the green light of one ship is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

ART. 16. If two ships under steam are crossing, so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

ART. 17. If two ships, one of which is a sailing ship, and the other a steamship, are proceeding in such directions as to involve risk of collision, the steamship shall keep out of the way of the sailing ship.

ART. 22. Where by the above Rules one of two ships is to

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each vessel sees the masts of the other in a line, or nearly in a line, with her own; and, by night, to cases in which each vessel is in such a position as to see both the side lights of the other.

It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

ART. 19. When two steam vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

ART. 20. When a steam vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam vessel shall keep out of the way of the sailing vessel.

ART. 21. Where by any of these Rules one of two vessels

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keep out of the way, the other shall keep her course.

ART. 18. Every steamship, when approaching another ship, so as to involve risk of collision, shall slacken her speed or stop and reverse, if necessary.

ART. 20. Notwithstanding anything contained in any preceding Article, every ship, whether a sailing ship or a steamship, overtaking any other, shall keep out of the way of the overtaken ship.

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is to keep out of the way, the other shall keep her course and speed.

NOTE.—*When, in consequence of thick weather or other causes, such vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision. (See Articles 27 and 29.)*

ART. 22. *Every vessel which is directed by these Rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.*

ART. 23. Every steam vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

ART. 24. Notwithstanding anything contained in these Rules, every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, i.e., in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's side lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning

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ART. 21. In narrow channels every steamship shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such ship.

ART. 23. In obeying and construing these Rules due regard shall be had to all dangers of navigation, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid immediate danger.

ART. 19. In taking any course authorised or required

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of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel, she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

ART. 25. In narrow channels every steam vessel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

ART. 26. Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or lines, or trawls. This Rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels or boats.

ART. 27. In obeying and construing these Rules, due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid immediate danger.

SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER.

ART. 28. *The words "short blast" used in this Article shall*

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by these Regulations, a steamship under way may indicate that course to any other ship which she has in sight by the following signals on her steam whistle, viz. :—

One short blast to mean "I am directing my course to starboard."

Two short blasts to mean "I am directing my course to port."

Three short blasts to mean "I am going full speed astern."

The use of these signals is optional, but if they are used the course of the ship must be in accordance with the signal made.

NO SHIP, UNDER ANY CIRCUMSTANCES, TO NEGLECT PROPER PRECAUTIONS.

ART. 24. Nothing in these Rules shall exonerate any ship, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

RESERVATION OF RULES FOR
HARBOURS AND INLAND
NAVIGATION.

ART. 25. Nothing in these Rules shall interfere with the operation of a special Rule, duly made by local authority,

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mean a blast of about one second's duration.

When vessels are in sight of one another, a steam vessel under way, in taking any course authorised or required by these Rules, *shall* indicate that course by the following signals on her whistle or siren, viz. :—

One short blast to mean, "I am directing my course to starboard."

Two short blasts to mean, "I am directing my course to port."

Three short blasts to mean, "*My engines are going full speed astern.*"

NO VESSEL UNDER ANY CIRCUMSTANCES TO NEGLECT PROPER PRECAUTIONS.

ART. 29. Nothing in these Rules shall exonerate any vessel, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

RESERVATION OF RULES FOR
HARBOURS AND INLAND
NAVIGATION.

ART. 30. Nothing in these Rules shall interfere with the operation of a special rule, duly made by local authority,

THE OLD AND NEW RULES.

Old Rules.

relative to the navigation of any harbour, river, or inland navigation.

ART. 27. When a ship is in distress and requires assistance from other ships or from the shore, the following shall be the signals to be used or displayed by her, either together or separately; that is to say:—

In the daytime—

1. A gun fired at intervals of about a minute;
2. The International Code signal of distress indicated by NC;
3. The distant signal, consisting of a square flag, having either above or below it a ball, or anything resembling a ball.

At night—

1. A gun fired at intervals of about a minute;
2. Flames on the ship (as from a burning tar-barrel, oil-barrel, &c.);
3. Rockets or shells, throwing stars of any colour or description, fired one at a time, at short intervals.

New Rules.

relative to the navigation of any harbour, river, or inland waters.

DISTRESS SIGNALS.

ART. 31. When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, viz. :—

In the daytime—

1. A gun or other explosive signal fired at intervals of about a minute;
2. The International Code signal of distress indicated by NC;
3. The distant signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball;
4. *A continuous sounding with any fog-signal apparatus.*

At night—

1. A gun or other explosive signal fired at intervals of about a minute;
2. Flames on the vessel (as from a burning tar-barrel, oil-barrel, &c.);
3. Rockets or shells, throwing stars of any colour or description, fired one at a time, at short intervals;
4. *A continuous sounding with any fog-signal apparatus*

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PRESS OPINIONS.

"SHIPPING GAZETTE AND LLOYD'S LIST," *April 30th, 1897.*

The author gives a complete copy of the rules themselves, each article heading a separate chapter, and notes are appended which should certainly help a correct appreciation of the new rule of the road at sea in all its details. Mr. Moore possesses special qualifications for dealing with the subject, for besides being a barrister of experience in Admiralty cases he is a practical yachtsman. The notes to each of the 31 Articles comprising the new code have been designed to assist the reader in understanding such points of difficulty in construction as have been dealt with by decisions of the courts in cases arising under such of the old rules as are similar in language to the new rules. For the most part, these notes are very pointedly and concisely stated, and indicate the practical effect of the alterations that have been made. The author also points out some of the precautions necessary to be taken in consequence of these alterations, and calls attention to certain difficulties that may arise. He also states that where his remarks are not either quotations or deductions from decided cases, he must not be understood as laying down the law governing the construction of these rules; he has merely endeavoured to explain them by the aid of the decided cases and to give a few practical illustrations of the manner in which they will work or may be construed in future. In an appendix the author gives the old rules of '84 and the new rules of '97, arranged in parallel columns, so that the inquirer can at once see for himself the exact alterations that have been made in the terms of the regulations.

THE TIMES, *19th February, 1897.*

THE NEW RULES OF THE ROAD AT SEA, by H. Stuart Moore (J. D. Potter), is a lucid and concise little treatise, which is probably one of the first fruits of a literature, which promises to be voluminous, arising out of the new rules which come into force on July 1st next. Mr. Stuart Moore explains his purpose as follows:—

"My principal object has been to supply a complete copy of the rules themselves, and to illustrate them by the notes appended to each article. The notes have been added to assist the reader in understanding such points of difficulty in the construction of the rules as have been dealt with by decisions of the Courts in cases arising under such of the old rules as are similar in language to the new rules. I have thought that these notes would assist mariners more readily to grasp the effect of the alterations which have been made, and guide them when deciding upon the manœuvres necessary for them to perform for the purpose of avoiding collisions. I have also endeavoured to point out the effect and probable result of some of the alterations, and the precautions to be taken in consequence thereof, and have ventured to call attention to the difficulties that may possibly arise from the alterations and additions that have been made—e.g., the additional lights of articles 2 and 3, the new sound signals of article 15, and the alteration of the crossing rule, article 21, &c. With regard to my remarks upon regulations when they are not either quotations or deductions from decided cases, I wish to disclaim any intention of being supposed to lay down the law as to the construction of these rules. I have merely endeavoured, by aid of the decided cases, to explain the rules, and to give a few obvious illustrations of the manner in which they will work or may be construed in the future."

Mr. Moore, who is evidently a practical mariner as well as a member of the Admiralty Bar, grapples very skilfully with his intricate subject, and explains it in a manner which should be very acceptable to mariners, and not less worthy of the attention of members of his own profession.

"THE NAUTICAL MAGAZINE," *March, 1897.*

NEW RULES OF THE ROAD AT SEA (By H. Stuart Moore. London: J. D. Potter). The author, who is well-known as a yachtsman and practitioner at the Admiralty Bar, in publishing this edition of the new rules has had the object in view of supplying a complete copy of the rules themselves, illustrated by notes appended to each article. The notes have been added to assist seamen in understanding such points of difficulty in the construction of the rules as have been dealt with by decisions of the courts in cases arising under such of the old rules as are similar in language to the new ones. These notes will assist masters and officers generally to grasp more readily the effect of the alterations which have been made, and no doubt this little edition of the rules will be greatly appreciated by those for whom it is primarily intended, the more so as we believe there is no other work of its kind in existence, although no doubt we shall presently be inundated with books and pamphlets on the new rules, in many cases compiled by writers whose chief qualification will be that they know nothing whatever about the subject.

"ST. JAMES' GAZETTE," *February 22nd, 1897.*

On July 1 next the new rules of the road at sea come into operation, and Mr. H. Stuart Moore, of the Admiralty Bar, has produced an excellent manual on the subject, which will be invaluable to the shipping community. The rules differ materially from those hitherto in force, and any breach of them, whether leading to damage or not, will be a misdemeanour; while ignorance will be wilful default. Mr. Stuart Moore has annotated each rule with all the fulness possible, both to a practical mariner and to a lawyer acquainted with the existing cases; and at the end of the treatise the new and old rules are printed side by side, so that the differences can be seen at a glance. Particularly valuable are the remarks on the difficulties which may arise from some of the alterations and additions: For instance, the additional lights of articles 2 and 3, the new sound signals of article 15, and the alteration of the crossing rule, article 21, &c. The notes are brief, suggestive, and to the point.

"THE JOURNAL OF COMMERCE," *February 10th, 1897.*

This little book is written by a gentleman who brings to his task not only the qualifications of legal knowledge, but also those of acquaintance with practical yachtsmanship. It is not surprising, therefore, that he has given us a little book which will be appreciated both by the lawyer and the seaman. . . . We may sum up by saying that the publication of the book is most opportune, and that it is a painstaking, and, as far as we can judge, a very accurate book.

"THE CITIZEN," *March 20th, 1897.*

Immediately after midnight on June 30th of this year, the new rules of the road at sea come into operation. The importance of this fact, with the large changes it brings into operation, can only be appreciated when, remembering the enormous volume of our shipping trade, it is considered that any infringement of the rules means not merely a misdemeanour and the payment of a £20 penalty, but the *prima facie* responsibility on the part of the ship infringing any regulation in case of damage done by collision or otherwise. Thus it becomes most essential that mariners should obtain a clear grasp of the effects of the alterations by the time they come into force. All that can be done to this end has been done by Mr. H. Stuart Moore in an edition of the "New Rules of the Road at Sea" (J. D. Potter, 3s.), of which he is the author. This comprises not merely a clear statement of the revised rules, but also explanatory notes and observations on the law relating thereto, and a capable introduction. The whole arrangement is so clear and concise that it cannot fail to be of the greatest use to the class for which it is intended—namely, seamen; and we should not be surprised if it prove also of service to Admiralty lawyers and many others as well.

"THE MARINER," February, 1897.

This is a useful little book for mariners and lawyers. It contains the text of the Regulations for Preventing Collisions at Sea, with sufficient references to the decisions of the Courts upon the old rules to guide the practical seaman in the construction and use of the new rules so far as they coincide with the old. Suggestions are added here and there as to the probable construction of the new portions and of those portions of the old rules which have not yet received judicial construction. These suggestions must, of course, be taken with caution; to act upon them would be no defence if the Court should come to a contrary conclusion. . . . But whatever view be taken of the policy of the rules, this little book will be a useful guide to the practical working of them.

"THE STEAMSHIP," March, 1897.

. . . . Not the least valuable portion of the book is that wherein the old and the new rules are placed in parallel columns. These show at a glance the changes which have been made. We cordially commend the work to all navigators.

"THE YACHTSMAN," February 4th, 1897.

THE NEW RULES OF THE ROAD AT SEA.—Great as has been the controversy as to the desirability of some of the "new regulations for preventing collisions at sea," which are to come into operation on July I, there can be none as to the great value of the self-explanatory edition of them issued thus early by Mr. H. Stuart Moore, of the Inner Temple, who, it is almost needless to add, is also well known as a yachtsman on the Lower Thames and elsewhere.

Mr. Moore's principal object has been to supply a complete copy of the rules themselves (indispensable to all who use the world's highway), with copious and very readable notes, which serve to illustrate them and assist in elucidating such points of difficulty in their construction as may have been dealt with by the courts in cases arising under the old rules. The effect and possible results of the alterations are also dealt with, and some especial points as to additional lights, new sound signals, and variations in the crossing rule, for which we must refer our readers to the book itself, are made the subject of special comment. As the master-mariner has in this respect almost as much to unlearn as he has to learn, the work is issued none too soon, especially when we remember that many vessels now leaving England—before these rules come into operation—may not return until they are in force. Officers should have every opportunity of making themselves thoroughly acquainted with the shipping laws to which they will then be bound to conform.

The section of the work which has the old and new rules side by side will be of great assistance to those engaged in the practical administration of them, and therefore under the necessity of closely studying the effect of the changes. For this purpose, detailed though the table of contents is, the work sadly needs a copious index. The type used is particularly clear and legible and befits the purpose of the book; the variation adopted to distinguish the regulations themselves from the notes and comments, &c., is particularly valuable.

"THE TIMES OF ARGENTINA," March 8th, 1897.

On the 1st of July, as many of our maritime readers are aware, the "new regulations for preventing collisions at sea," come into force. The changes on the old laws are very numerous, and as it is high time that all interested in the matter should at once begin to study them, we call attention to a three-shilling book just drafted by Mr. H. Stuart Moore, a well-known yachtsman and barrister of the Inner Temple.

In this book not only are the new rules given complete, but they are accompanied by explanations, notes, and comments tending to elucidate all the seeming difficulties, and in one section the new rules are given side by side with the old ones, the advantage of which is self-evident. The book is published by Potter of the Poultry, and our booksellers would do well to get a supply at once, as there must be a large demand, owing to the necessity of every master-mariner and officer having to study the subject very seriously, the new laws being international.

"EASTERN EVENING NEWS," March 1st, 1897.

RULES OF THE ROAD AT SEA.—Mr. H. Stuart Moore, of the Inner Temple and the Admiralty Court, has just issued a work of great practical utility to a maritime population like that of Yarmouth, entitled "The New Rules of the Road at Sea," and gives the principal regulations for preventing collisions at sea. Mr. Moore has had a long experience in all matters concerning the rules of the road at sea, and speaks with the highest authority. His book is concisely compiled and clearly printed, and contains every possible information for the guidance of mariners. The subject is treated under thirty-one articles, and includes all the regulations relating to lights, both for fishing vessels as well as other vessels; warning signals and the rates of speed to be adopted in a fog, with rules for steering sailing vessels; crossing rules for steamships, and the duties of steam and sailing vessels generally. The book should be in the hands of all owners and shipmasters, to whom it will prove a handy and reliable *vade mecum* on all points.

"HANSA DEUTSCHE NAUTISCHE ZEITSCHRIFT," 20 März, 1897.

Das Buch enthält einen Abdruck der neuen Verordnung zur Verhütung des Zusammenstossens der Schiffe auf See (die bekanntlich in Grossbritannien mit dem 1. Juli d. J. in Kraft tritt), mit Erläuterungen und, soweit es sich um Bestimmungen handelt, die schon im alten Gesetz vorhandenen Hinweise auf bezügliche richterliche Entscheidungen. Die Erläuterungen sind zwar kurz, aber klar und leicht verständlich gegeben, wenn sie auch hinsichtlich der neu eingeführten Bestimmungen in mancher Hinsicht etwas ausführlicher sein dürften. Der Verfasser hat sich aber offenbar zur Regel gemacht, nur unantastbar feststehende Auslegungen wiederzugeben. Wie dieselben später seitens der Gerichte hinsichtlich der neu aufgenommenen Bestimmungen ausfallen werden, das ist eine Frage deren Lösung noch im Schoosse der Zukunft ruht. Die vorsichtige Behandlung dieses Theils der neuen Verordnung ist daher erklärlich. Das Buch wird in Deutschland unzweifelhaft viele Abnehmer finden und hoffentlich auch die Anregung zu einer ähnlichen Arbeit eines deutschen Fachmannes geben. Es wäre dies eine dankbare Aufgabe für einen unserer hervorragenden Kollisionsanwälte.

"LLOYD ARGENTINO," March 6th, 1897.

NUEVO REGLAMENTO PARA LA NAVEGACION.—El 1º de junio próximo entrará en vigencia el nuevo reglamento inglés para evitar las colisiones en alta mar. Los cambios que se introducen sobre las leyes antiguas son numerosos y es tiempo de que los interesados en la materia empiecen á estudiarlos. El Sr. Stuart Moore, conocido yachtsman y abogado del foro londinense, ha editado un libro en el cual se publican las leyes nuevas al lado de las viejas, lo que facilita la comprobacion de las reformas hechas y los adelantos que importan las que van á entrar en vigencia. El libro contiene ademas gran número de esplicaciones, notas y comentarios que deben conocer indispensablemente los capitanes y demas personas que algo tienen que ver con la navegacion, pues les serán de mucha utilidad.

"THE TIMES OF ARGENTINA," April 29th, 1897.

We have been favoured with an inspection of Mr. Stuart Moore's "New Rules of the Sea," which come into force on July 1st. After a short, but pithy introduction, each article of the new code is given, accompanied by comprehensive and lucid comments, which are very necessary to the student, as all marine officers will have to become in view of the marked changes on the old rules. Such comments as are offered could only be made by one thoroughly conversant with the subject, as Mr. Stuart Moore undoubtedly is, from his long practice as a barrister in the Admiralty Court. At the end of the book, the new rules are given side by side with the old ones, an arrangement that greatly facilitates the study of mariners accustomed for so many years past to the old regulations. The first edition is already exhausted and a second is now in course of preparation. A copy has just been received and is now on view at Mr. Grant's, Calle Cangallo, for the inspection of those interested.

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